

the purpose of receiving the benefits, the benefits of each affiliated person shall be reduced under section 3821 of this title in proportion to the interest held by the affiliated person.

(Pub. L. 99-198, title XII, §1223, as added Pub. L. 104-127, title III, §324, Apr. 4, 1996, 110 Stat. 992.)

Editorial Notes

PRIOR PROVISIONS

A prior section 3823, Pub. L. 99-198, title XII, §1223, Dec. 23, 1985, 99 Stat. 1508; Pub. L. 101-624, title XIV, §1423, Nov. 28, 1990, 104 Stat. 3576; Pub. L. 102-237, title II, §204(4), Dec. 13, 1991, 105 Stat. 1855, related to consultation with Secretary of the Interior, prior to repeal by Pub. L. 104-127, title III, §§323, 326, Apr. 4, 1996, 110 Stat. 992, effective 90 days after Apr. 4, 1996.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section effective 90 days after Apr. 4, 1996, see section 326 of Pub. L. 104-127, set out as an Effective Date of 1996 Amendment note under section 3821 of this title.

§ 3824. Fairness of compliance

If the actions of an unrelated person or public entity, outside the control of, and without the prior approval of, the landowner or tenant result in a change in the characteristics of cropland that would cause the land to be determined to be a wetland, the affected land shall not be considered to be wetland for purposes of this subchapter.

(Pub. L. 99-198, title XII, §1224, as added Pub. L. 101-624, title XIV, §1424, Nov. 28, 1990, 104 Stat. 3576.)

SUBCHAPTER IV—AGRICULTURAL RESOURCES CONSERVATION PROGRAM

PART I—COMPREHENSIVE CONSERVATION ENHANCEMENT PROGRAM

SUBPART A—GENERAL PROVISIONS

§ 3830. Repealed. Pub. L. 113-79, title II, § 2701, Feb. 7, 2014, 128 Stat. 766

Section, Pub. L. 99-198, title XII, §1230, as added Pub. L. 101-624, title XIV, §1431(2), Nov. 28, 1990, 104 Stat. 3576; amended Pub. L. 103-66, title I, §1402(a), Aug. 10, 1993, 107 Stat. 332; Pub. L. 104-127, title III, §331, Apr. 4, 1996, 110 Stat. 992; Pub. L. 107-171, title II, §2006(b), May 13, 2002, 116 Stat. 237, related to comprehensive conservation enhancement program.

Statutory Notes and Related Subsidiaries

CONSERVATION ASSISTANCE

Pub. L. 106-224, title II, §211, June 20, 2000, 114 Stat. 406, as amended by Pub. L. 107-171, title II, §2503(b)(1)(B), May 13, 2002, 116 Stat. 269, authorized Secretary to use \$40,000,000 of funds of the Commodity Credit Corporation to provide financial assistance to farmers and ranchers to address threats to soil, water, and related natural resources, including grazing land, wetland, and wildlife habitat; comply with Federal and State environmental laws; and make beneficial, cost-effective changes to cropping systems, grazing management, manure, nutrient, pest, or irrigation management, land uses, or other measures needed to conserve and improve soil, water, and related natural resources.

FARMLAND PROTECTION PROGRAM

Pub. L. 104-127, title III, §388, Apr. 4, 1996, 110 Stat. 1020, directed Secretary of Agriculture to establish and

carry out a farmland protection program, prior to repeal by Pub. L. 107-171, title II, §2503(b)(1)(A), May 13, 2002, 116 Stat. 269.

[Pub. L. 107-171, title II, §2503(b)(2), May 13, 2002, 116 Stat. 269, provided that: “The amendment made by paragraph (1)(A) [repealing section 388 of Pub. L. 104-127, formerly set out above] shall have no effect on any contract entered into under section 388 of the Federal Agriculture Improvement and Reform Act of 1996 [Pub. L. 104-127] (16 U.S.C. 3830 note) that is in effect as of the date of enactment of this Act [May 13, 2002].”]

§ 3830a. Repealed. Pub. L. 107-171, title I, § 1613(j)(3), title II, § 2006(c), May 13, 2002, 116 Stat. 221, 237

Section, Pub. L. 99-198, title XII, §1230A, as added Pub. L. 106-387, §1(a) [title VII, §755], Oct. 28, 2000, 114 Stat. 1549, 1549A-42, related to good faith reliance.

SUBPART B—CONSERVATION RESERVE

Editorial Notes

CODIFICATION

Subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985, comprising this subpart, was originally designated in Pub. L. 99-198, title XII, Dec. 23, 1985, 99 Stat. 1509, by Pub. L. 101-624, title XIV, §§1431(1), 1432(1), Nov. 28, 1990, 104 Stat. 3576, 3577, and amended by Pub. L. 99-500, Oct. 18, 1986, 100 Stat. 1783, and Pub. L. 99-591, Oct. 30, 1986, 100 Stat. 3341; Pub. L. 99-641, Nov. 10, 1986, 100 Stat. 3556; Pub. L. 100-233, Jan. 6, 1988, 101 Stat. 1568; Pub. L. 100-387, Aug. 11, 1988, 102 Stat. 924; Pub. L. 101-512, Nov. 5, 1990, 104 Stat. 1915; Pub. L. 101-624, Nov. 28, 1990, 104 Stat. 3359; Pub. L. 102-237, Dec. 13, 1991, 105 Stat. 1818; Pub. L. 102-324, July 22, 1992, 106 Stat. 447; Pub. L. 102-552, Oct. 28, 1992, 106 Stat. 4102; Pub. L. 103-66, Aug. 10, 1993, 107 Stat. 312; Pub. L. 104-127, Apr. 4, 1996, 110 Stat. 888; Pub. L. 106-78, Oct. 22, 1999, 113 Stat. 1135; Pub. L. 106-387, Oct. 28, 2000, 114 Stat. 1549; Pub. L. 107-76, Nov. 28, 2001, 115 Stat. 704. Subchapter B is shown herein, however, as having been added by Pub. L. 107-171, title II, §2101(a), May 13, 2002, 116 Stat. 238, without reference to the intervening amendments because of the extensive revision of the subchapter's provisions by Pub. L. 107-171.

§ 3831. Conservation reserve

(a) In general

Through the 2023 fiscal year, the Secretary shall formulate and carry out a conservation reserve program under which land is enrolled through the use of contracts to assist owners and operators of land specified in subsection (b) to conserve and improve the soil, water, and wildlife resources of such land and to address issues raised by State, regional, and national conservation initiatives.

(b) Eligible land

The Secretary may include in the program established under this subpart—

(1) highly erodible cropland that—

(A)(i) if permitted to remain untreated could substantially reduce the agricultural production capability for future generations; or

(ii) cannot be farmed in accordance with a plan that complies with the requirements of subchapter II; and

(B) the Secretary determines had a cropping history or was considered to be planted for 4 of the 6 years preceding December 20, 2018, on the condition that the Secretary

shall consider to be planted cropland enrolled in the conservation reserve program;

(2) marginal pasture land to be devoted to appropriate vegetation, including trees, in or near riparian areas, or devoted to similar water quality purposes (including marginal pastureland converted to wetland or established as wildlife habitat);

(3) grasslands that—

(A) contain forbs or shrubland (including improved rangeland and pastureland) for which grazing is the predominant use;

(B) are located in an area historically dominated by grasslands; and

(C) could provide habitat for animal and plant populations of significant ecological value if the land is retained in its current use or restored to a natural condition;

(4) cropland, marginal pasture land, and grasslands that will have a positive impact on water quality and will be devoted to—

(A) a grass sod waterway;

(B) a contour grass sod strip;

(C) a prairie strip;

(D) a filterstrip;

(E) a riparian buffer;

(F) a wetland or a wetland buffer;

(G) a saturated buffer;

(H) a bioreactor; or

(I) another similar water quality practice, as determined by the Secretary;

(5) cropland that is otherwise ineligible if the Secretary determines that—

(A) if permitted to remain in agricultural production, the land would—

(i) contribute to the degradation of soil, water, or air quality; or

(ii) pose an on-site or off-site environmental threat to soil, water, or air quality;

(B) the land is a—

(i) newly-created, permanent grass sod waterway; or

(ii) a contour grass sod strip established and maintained as part of an approved conservation plan;

(C) the land will be devoted to newly established living snow fences, permanent wildlife habitat, windbreaks, shelterbelts, salt tolerant vegetation, field borders, or practices to benefit State or federally identified wellhead protection areas;

(D) the land poses an off-farm environmental threat, or a threat of continued degradation of productivity due to soil salinity, if permitted to remain in production; or

(E) enrollment of the land would facilitate a net savings in groundwater or surface water resources of the agricultural operation of the producer;

(6) the portion of land in a field not enrolled in the conservation reserve in a case in which—

(A) more than 50 percent of the land in the field is enrolled as a buffer or filterstrip, or more than 75 percent of the land in the field is enrolled as a conservation practice other than as a buffer or filterstrip; and

(B) the remainder of the field is—

(i) infeasible to farm; and

(ii) enrolled at regular rental rates; or

(7) as determined by the Secretary, land—

(A) that was enrolled in the conservation reserve program under a 15-year contract that expired on September 30, 2017, or September 30, 2018;

(B) for which there was no opportunity for additional enrollment in that program; and

(C) on which the conservation practice under the expired contract under subparagraph (A) is maintained.

(c) Planting status of certain land

For purposes of determining the eligibility of land to be placed in the conservation reserve established under this subpart, land shall be considered to be planted to an agricultural commodity during a crop year if, during the crop year, the land was devoted to a conserving use.

(d) Enrollment

(1) Maximum acreage enrolled

The Secretary may maintain in the conservation reserve at any one time during—

(A) fiscal year 2019, not more than 24,000,000 acres;

(B) fiscal year 2020, not more than 24,500,000 acres;

(C) fiscal year 2021, not more than 25,000,000 acres;

(D) fiscal year 2022, not more than 25,500,000 acres; and

(E) fiscal year 2023, not more than 27,000,000 acres.

(2) Grasslands

(A) Limitation

For purposes of applying the limitations in paragraph (1)—

(i) the Secretary shall enroll and maintain in the conservation reserve not fewer than 2,000,000 acres of the land described in subsection (b)(3) by September 30, 2023; and

(ii) in carrying out clause (i), to the maximum extent practicable, the Secretary shall maintain in the conservation reserve at any one time during—

(I) fiscal year 2019, 1,000,000 acres;

(II) fiscal year 2020, 1,500,000 acres; and

(III) fiscal years 2021 through 2023, 2,000,000 acres.

(B) Priority

In enrolling acres under subparagraph (A), the Secretary may give priority to land, as determined by the Secretary—

(i) with expiring conservation reserve contracts;

(ii) at risk of conversion or development; or

(iii) of ecological significance, including land that—

(I) may assist in the restoration of threatened or endangered species under the Endangered Species Act of 1973 (16 U.S.C. 1531 et seq.);

(II) may assist in preventing a species from being listed as a threatened or endangered species under the Endangered

Species Act of 1973 (16 U.S.C. 1531 et seq.); or

(III) improves or creates wildlife habitat corridors.

(C) Method of enrollment

(i) In general

In enrolling acres under subparagraph (A), the Secretary shall make the program available to owners or operators of eligible land on an annual enrollment basis with one or more ranking periods.

(ii) Timing of grassland ranking period

For purposes of grasslands described in subsection (b)(3), the Secretary shall announce at least 1 ranking period subsequent to the announcement of general enrollment offers.

(D) Reservation of unenrolled acres

If the Secretary is unable in a fiscal year to enroll enough acres of land described in subsection (b)(3) to meet the number of acres described in clause (ii) or (iii)¹ of subparagraph (A) for the fiscal year—

(i) the Secretary shall reserve the remaining number of acres for that fiscal year for the enrollment of land described in subsection (b)(3); and

(ii) that number of acres shall not be available for the enrollment of any other type of eligible land.

(3) Water quality practices to foster clean lakes, estuaries, and rivers (clear initiative)

(A) In general

The Secretary shall give priority within continuous enrollment under paragraph (6) to the enrollment of land described in subsection (b)(4).

(B) Sediment and nutrient loadings

In carrying out subparagraph (A), the Secretary shall give priority to the implementation of practices on land that, if enrolled, will help reduce sediment loadings, nutrient loadings, and harmful algal blooms, as determined by the Secretary.

(C) Acreage

(i) In general

Of the acres maintained in the conservation reserve in accordance with paragraph (1), to the maximum extent practicable, not less than 40 percent of acres enrolled in the conservation reserve using continuous enrollment under paragraph (6) shall be of land described in subsection (b)(4).

(ii) Limitation

The acres described in clause (i) shall not include grasslands described in subsection (b)(3).

(D) Report

The Secretary shall—

(i) in the monthly publication of the Secretary describing conservation reserve program statistics, include a description of

enrollments through the priority under this paragraph; and

(ii) publish on the website of the Farm Service Agency an annual report describing a summary of, with respect to the enrollment priority under this paragraph—

(I) new enrollments;

(II) expirations;

(III) geographic distribution; and

(IV) estimated water quality benefits.

(4) State enrollment rates

At the beginning of each of fiscal years 2019 through 2023, to the maximum extent practicable, the Secretary shall allocate to the States proportionately 60 percent of the available number of acres each year for enrollment in the conservation reserve, in accordance with historical State enrollment rates, taking into consideration—

(A) the average number of acres of all land enrolled in the conservation reserve in each State during each of fiscal years 2007 through 2016;

(B) the average number of acres of all land enrolled in the conservation reserve nationally during each of fiscal years 2007 through 2016; and

(C) the acres available for enrollment during each of fiscal years 2019 through 2023, excluding acres described in paragraph (2).

(5) Frequency

In carrying out this subpart, for contracts that are not available on a continuous enrollment basis, the Secretary shall hold a signup and enrollment not less often than once each year.

(6) Continuous enrollment procedure

(A) In general

To the maximum extent practicable, the Secretary shall allow producers to submit applications on a continuous basis for enrollment in—

(i) the conservation reserve of—

(I) marginal pasture land described in subsection (b)(2);

(II) land described in subsection (b)(4); and

(III) cropland described in subsection (b)(5); and

(ii) the conservation reserve enhancement program under section 3831a of this title.

(B) Limitation

For purposes of applying the limitations in paragraph (1)—

(i) the Secretary shall, to the maximum extent practicable, enroll and maintain not fewer than 8,600,000 acres of land under subparagraph (A) by September 30, 2023; and

(ii) in carrying out clause (i), to the maximum extent practicable, the Secretary shall maintain in the conservation reserve at any one time during—

(I) fiscal year 2019, 8,000,000 acres;

(II) fiscal year 2020, 8,250,000 acres;

(III) fiscal year 2021, 8,500,000 acres; and

(IV) fiscal years 2022 and 2023, 8,600,000 acres.

¹ So in original. There is no cl. (iii) of subpar. (A).

(e) Duration of contract**(1) In general**

For the purpose of carrying out this subpart, the Secretary shall enter into contracts of not less than 10, nor more than 15, years.

(2) Special rule for certain land

In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subpart, the owner or operator of the land may, within the limitations prescribed under paragraph (1), specify the duration of the contract.

(f) Conservation priority areas**(1) Designation**

On application by the appropriate State agency, the Secretary shall designate areas of special environmental sensitivity as conservation priority areas.

(2) Eligible areas

Areas eligible for designation under this subsection shall include areas with actual and significant adverse water quality or habitat impacts related to agricultural production activities.

(3) Expiration

Conservation priority area designation under this subsection shall expire after 5 years, subject to redesignation, except that the Secretary may withdraw an area's designation if the Secretary finds that the area no longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.

(4) Duty of Secretary

In carrying out this subsection, the Secretary shall attempt to maximize water quality and habitat benefits in the watersheds described in paragraph (1) by promoting a significant level of enrollment of land within the watersheds in the program under this subpart by whatever means the Secretary determines are appropriate and consistent with the purposes of this subpart.

(g) Multi-year grasses and legumes**(1) In general**

For purposes of this subpart, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.

(2) Cropping history

Alfalfa, when grown as part of a rotation practice, as determined by the Secretary, is an agricultural commodity subject to the cropping history criteria under subsection (b)(1)(B) for the purpose of determining whether highly erodible cropland has been planted or considered planted for 4 of the 6 years referred to in such subsection.

(h) Eligibility for consideration**(1) In general**

On the expiration of a contract entered into under this subpart, the land subject to the contract shall be eligible to be considered for reenrollment in the conservation reserve.

(2) Reenrollment limitation for certain land**(A) In general**

Except as provided in subparagraph (B), land subject to a contract entered into under this subpart shall be eligible for only one reenrollment in the conservation reserve under paragraph (1) if the land is devoted to hardwood trees.

(B) Exclusions

Subparagraph (A) shall not apply to—

- (i) riparian forested buffers;
- (ii) forested wetlands enrolled under subsection (d)(3) or the conservation reserve enhancement program under section 3831a of this title; and
- (iii) shelterbelts.

(i) Balance of natural resource purposes

In determining the acceptability of contract offers under this subpart, the Secretary shall ensure, to the maximum extent practicable, an equitable balance among the conservation purposes of soil erosion, water quality, and wildlife habitat.

(Pub. L. 99-198, title XII, §1231, as added Pub. L. 107-171, title II, §2101(a), May 13, 2002, 116 Stat. 238; amended Pub. L. 109-148, div. B, title I, §107(a), Dec. 30, 2005, 119 Stat. 2750; Pub. L. 109-234, title III, §3022, June 15, 2006, 120 Stat. 478; Pub. L. 110-28, title IV, §4101, May 25, 2007, 121 Stat. 152; Pub. L. 110-234, title II, §§2101-2105, 2106(a)(2), (b)(1), May 22, 2008, 122 Stat. 1028, 1029, 1031, 1032; Pub. L. 110-246, §4(a), title II, §§2101-2105, 2106(a)(2), (b)(1), June 18, 2008, 122 Stat. 1664, 1756, 1757, 1759, 1760; Pub. L. 112-240, title VII, §701(c)(1), Jan. 2, 2013, 126 Stat. 2363; Pub. L. 113-79, title II, §2001, Feb. 7, 2014, 128 Stat. 713; Pub. L. 115-334, title II, §2201, Dec. 20, 2018, 132 Stat. 4530.)

Editorial Notes

REFERENCES IN TEXT

The Endangered Species Act of 1973, referred to in subsec. (d)(2)(B)(iii)(I), (II), is Pub. L. 93-205, Dec. 28, 1973, 87 Stat. 884, which is classified principally to chapter 35 (§1531 et seq.) of this title. For complete classification of this Act to the Code, see Short Title note set out under section 1531 of this title and Tables.

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 3831, Pub. L. 99-198, title XII, §1231, Dec. 23, 1985, 99 Stat. 1509; Pub. L. 99-500, §101(a) [title VI, §643], Oct. 18, 1986, 100 Stat. 1783, 1783-36, and Pub. L. 99-591, §101(a) [title VI, §643], Oct. 30, 1986, 100 Stat. 3341, 3341-36; Pub. L. 99-641, title II, §205, Nov. 10, 1986, 100 Stat. 3563; Pub. L. 101-624, title XIV, §§1432(2), 1447(a), Nov. 28, 1990, 104 Stat. 3577, 3605; Pub. L. 102-324, §1(a), July 22, 1992, 106 Stat. 447; Pub. L. 103-66, title I, §1402(b), Aug. 10, 1993, 107 Stat. 332; Pub. L. 104-127, title III, §332(a)(1), (b), Apr. 4, 1996, 110 Stat. 994; Pub. L. 106-387, §1(a) [title XI, §1102(a)], Oct. 28, 2000, 114 Stat. 1549, 1549A-75; Pub. L. 107-76, title VII, §758(a), Nov. 28, 2001, 115 Stat. 741, related to a conservation reserve program to be formulated and carried out by the Secretary through the 2002 calendar year, prior to the general amendment of this subpart by Pub. L. 107-171.

AMENDMENTS

2018—Subsec. (a). Pub. L. 115-334, § 2201(a), substituted “2023” for “2018”.

Subsec. (b)(1)(B). Pub. L. 115-334, § 2201(b)(1), substituted “4 of the 6 years preceding December 20, 2018, on the condition that the Secretary shall consider to be planted cropland enrolled in the conservation reserve program” for “4 of the 6 years preceding February 7, 2014 (except for land enrolled in the conservation reserve program as of that date)”.

Subsec. (b)(4). Pub. L. 115-334, § 2201(b)(3), added par. (4). Former par. (4) redesignated (5).

Subsec. (b)(5). Pub. L. 115-334, § 2201(b)(2), (4)(A), redesignated par. (4) as (5) and substituted “salt tolerant vegetation, field borders, or practices to benefit State or federally identified wellhead protection areas” for “or filterstrips or riparian buffers devoted to trees, shrubs, or grasses” in subpar. (C). Former par. (5) redesignated (6).

Subsec. (b)(6). Pub. L. 115-334, § 2201(b)(2), redesignated par. (5) as (6).

Subsec. (b)(7). Pub. L. 115-334, § 2201(b)(4)(B)–(6), added par. (7).

Subsec. (d)(1). Pub. L. 115-334, § 2201(c)(1), added subpars. (A) to (E) and struck out former subpars. (A) to (E) which read as follows:

“(A) fiscal year 2014, no more than 27,500,000 acres;
 “(B) fiscal year 2015, no more than 26,000,000 acres;
 “(C) fiscal year 2016, no more than 25,000,000 acres;
 “(D) fiscal year 2017, no more than 24,000,000 acres;
 and
 “(E) fiscal year 2018, no more than 24,000,000 acres.”

Subsec. (d)(2)(A). Pub. L. 115-334, § 2201(c)(2)(A), added subpar. (A) and struck out former subpar. (A). Prior to amendment, text read as follows: “For purposes of applying the limitations in paragraph (1), no more than 2,000,000 acres of the land described in subsection (b)(3) may be enrolled in the program at any one time during the 2014 through 2018 fiscal years.”

Subsec. (d)(2)(B). Pub. L. 115-334, § 2201(c)(2)(A), added subpar. (B) and struck out former subpar. (B). Prior to amendment, text read as follows: “In enrolling acres under subparagraph (A), the Secretary may give priority to land with expiring conservation reserve program contracts.”

Subsec. (d)(2)(C). Pub. L. 115-334, § 2201(c)(2)(B), designated existing provisions as cl. (i), inserted heading, substituted “an annual enrollment basis” for “a continuous enrollment basis”, and added cl. (ii).

Subsec. (d)(2)(D). Pub. L. 115-334, § 2201(c)(2)(C), added subpar. (D).

Subsec. (d)(3) to (6). Pub. L. 115-334, § 2201(c)(3), added pars. (3) to (6).

Subsec. (h). Pub. L. 115-334, § 2201(d), designated existing provisions as par. (1), inserted heading, and added par. (2).

2014—Subsec. (a). Pub. L. 113-79, § 2001(a), substituted “2018” for “2012”.

Subsec. (b)(1)(B). Pub. L. 113-79, § 2001(b)(1), substituted “February 7, 2014” for “the date of enactment of the Food, Conservation, and Energy Act of 2008”.

Subsec. (b)(2), (3). Pub. L. 113-79, § 2001(b)(2), (3), redesignated par. (3) as (2), added par. (3), and struck out former par. (2) which read as follows: “marginal pasture land converted to wetland or established as wildlife habitat prior to November 28, 1990;”.

Subsec. (b)(4)(C). Pub. L. 113-79, § 2001(b)(4), substituted “filterstrips or riparian buffers devoted to trees, shrubs, or grasses” for “filterstrips devoted to trees or shrubs”.

Subsec. (b)(5). Pub. L. 113-79, § 2001(b)(5), added par. (5) and struck out former par. (5) which read as follows: “the portion of land in a field not enrolled in the conservation reserve in a case in which more than 50 percent of the land in the field is enrolled as a buffer, if—

“(A) the land is enrolled as part of the buffer; and
 “(B) the remainder of the field is—

“(i) infeasible to farm; and

“(ii) enrolled at regular rental rates.”

Subsec. (c). Pub. L. 113-79, § 2001(c), substituted “if, during the crop year, the land was devoted to a conserving use.” for “if—” and struck out pars. (1) and (2) which read as follows:

“(1) during the crop year, the land was devoted to a conserving use; or

“(2)(A) during the crop year or during any of the 2 years preceding the crop year, the land was enrolled in the water bank program; and

“(B) the contract of the owner or operator of the cropland expired or will expire in calendar year 2000, 2001, or 2002.”

Subsec. (d). Pub. L. 113-79, § 2001(d), amended subsec. (d) generally. Prior to amendment, text read as follows: “The Secretary may maintain up to 39,200,000 acres in the conservation reserve at any 1 time during the 2002 through 2009 fiscal years (including contracts extended by the Secretary pursuant to section 1437(c) of the Food, Agriculture, Conservation, and Trade Act of 1990 (16 U.S.C. 3831 note; Public Law 101-624)). During fiscal years 2010, 2011, 2012, and 2013, the Secretary may maintain up to 32,000,000 acres in the conservation reserve at any 1 time.”

Subsec. (e)(2), (3). Pub. L. 113-79, § 2001(e), added par. (2) and struck out former pars. (2) and (3) which related to duration of contracts for certain land and 1-year extensions, respectively.

Subsec. (f)(1). Pub. L. 113-79, § 2001(f)(1), struck out “watershed areas of the Chesapeake Bay Region, the Great Lakes Region, the Long Island Sound Region, and other” before “areas of special”.

Subsec. (f)(2). Pub. L. 113-79, § 2001(f)(2), substituted “areas” for “watersheds” in heading and “Areas” for “Watersheds” in text.

Subsec. (f)(3). Pub. L. 113-79, § 2001(f)(3), substituted “an area’s designation if the Secretary finds that the area no longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.” for “a watershed’s designation—” and struck out subpars. (A) and (B) which read as follows:

“(A) on application by the appropriate State agency; or

“(B) in the case of an area covered by this subsection, if the Secretary finds that the area no longer contains actual and significant adverse water quality or habitat impacts related to agricultural production activities.”

2013—Subsec. (d). Pub. L. 112-240 substituted “2012, and 2013” for “and 2012”.

2008—Subsec. (a). Pub. L. 110-246, § 2101, substituted “2012 fiscal year” for “2007 calendar year” and inserted “and to address issues raised by State, regional, and national conservation initiatives” before period at end.

Subsec. (b)(1)(B). Pub. L. 110-246, § 2102(1), substituted “the date of enactment of the Food, Conservation, and Energy Act of 2008” for “May 13, 2002” and substituted semicolon for period at end.

Subsec. (b)(4)(C) to (E). Pub. L. 110-246, § 2102(2), in subpar. (C) struck out “or” at end, in subpar. (D) substituted “or” for “and” at end, and in subpar. (E) inserted “or” at end.

Subsec. (d). Pub. L. 110-246, § 2103, substituted “2009 fiscal years” for “2007 calendar years” and “(16 U.S.C.)” for “(16 U.S.C.)” and inserted at end “During fiscal years 2010, 2011, and 2012, the Secretary may maintain up to 32,000,000 acres in the conservation reserve at any 1 time.”

Subsec. (f)(1). Pub. L. 110-246, § 2104, substituted “the Chesapeake Bay Region” for “the Chesapeake Bay Region (Pennsylvania, Maryland, and Virginia)”.

Subsec. (g). Pub. L. 110-246, § 2105, amended subsec. (g) generally. Prior to amendment, text read as follows: “For purposes of this subpart, alfalfa and other multi-year grasses and legumes in a rotation practice, approved by the Secretary, shall be considered agricultural commodities.”

Subsecs. (h) to (j). Pub. L. 110-246, § 2106(a)(2), redesignated subsecs. (i) and (j) as (h) and (i), respectively, and struck out former subsec. (h) which related to pilot program for enrollment of wetland and buffer acreage

in conservation reserve during 2002 through 2007 calendar years.

Subsec. (k). Pub. L. 110-246, §2106(b)(1), renumbered subsec. (k) as section 3831a of this title.

2007—Subsec. (k)(2). Pub. L. 110-28 substituted “The” for “During calendar year 2006, the”.

2006—Subsec. (k)(3)(G). Pub. L. 109-234 substituted “\$504,100,000” for “\$404,100,000”.

2005—Subsec. (k). Pub. L. 109-148 added subsec. (k).

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE OF 2013 AMENDMENT

Amendment by Pub. L. 112-240 effective Sept. 30, 2012, see section 701(j) of Pub. L. 112-240, set out in a 1-Year Extension of Agricultural Programs note under section 8701 of Title 7, Agriculture.

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.

REGULATIONS

Pub. L. 106-387, §1(a) [title XI, §1105], Oct. 28, 2000, 114 Stat. 1549, 1549A-78, required the Secretary of Agriculture, as soon as practicable after Oct. 28, 2000, to promulgate regulations to implement the amendments by section 1(a) [title XI] of Pub. L. 106-387, amending former sections 3831 and 3832 of this title.

ELIGIBLE LAND; STATE LAW REQUIREMENTS

Pub. L. 115-334, title II, §2209, Dec. 20, 2018, 132 Stat. 4551, provided that: “The Secretary shall revise paragraph (4) of section 1410.6(d) of title 7, Code of Federal Regulations, to provide that land enrolled under a Conservation Reserve Enhancement Program agreement initially established before January 1, 2014 (including an amended or successor Conservation Reserve Enhancement Program agreement, as determined by the Secretary), shall not be ineligible for enrollment in the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) under that paragraph if the Deputy Administrator (as defined in section 1410.2(b) of title 7, Code of Federal Regulations (or successor regulations)), on recommendation from and in consultation with the applicable State technical committee established under section 1261(a) of the Food Security Act of 1985 (16 U.S.C. 3861(a)) determines, under such terms and conditions as the Deputy Administrator, in consultation with the State technical committee, determines to be appropriate, that making that land eligible for enrollment in that program is not contrary to the purposes of that program.”

EFFECT ON EXISTING CONTRACTS

Pub. L. 113-79, title II, §2008, Feb. 7, 2014, 128 Stat. 720, provided that:

“(a) IN GENERAL.—Except as provided in paragraph (2), the amendments made by this subtitle [subtitle A (§§2001-2008) of title II of Pub. L. 113-79, amending this section and sections 3831b and 3832 to 3835 of this title and repealing section 3835a of this title] shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.) before the date of enactment of the Agricultural Act of 2014 [Feb. 7, 2014], or any payments required to be made in connection with the contract.

“(b) UPDATING OF EXISTING CONTRACTS.—The Secretary shall permit an owner or operator of land subject to a contract entered into under subchapter B of chapter 1 of subtitle D of title XII of the Food Security

Act of 1985 (16 U.S.C. 3831 et seq.) before the date of enactment of the Agricultural Act of 2014 [Feb. 7, 2014], to update the contract to reflect the activities and uses of land under contract permitted under the terms and conditions of section 1233(b) of that Act [16 U.S.C. 3833(b)] (as amended by section 2004), as determined appropriate by the Secretary.”

STUDY ON ECONOMIC EFFECTS

Pub. L. 107-171, title II, §2101(b), May 13, 2002, 116 Stat. 252, provided that, not later than 18 months after May 13, 2002, the Secretary of Agriculture would submit to Congress a report, to include specified analyses, that describes the economic and social effects on rural communities resulting from the conservation reserve program established under subchapter B of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3831 et seq.).

STUDY OF IMPACT OF PILOT PROGRAM

Pub. L. 106-387, §1(a) [title XI, §1104], Oct. 28, 2000, 114 Stat. 1549, 1549A-78, required the Secretary of Agriculture to conduct a study of the impact of the pilot program established under former section 3831(h) of this title, as added by section 1(a) [title XI, §1102(a)] of Pub. L. 106-387, and to report on the results of the study to committees of Congress not later than Mar. 1, 2003.

STUDY OF LAND USE FOR EXPIRING CONTRACTS AND EXTENSION OF AUTHORITY

Pub. L. 101-624, title XIV, §1437, Nov. 28, 1990, 104 Stat. 3584, which required the Secretary of Agriculture to conduct a study of cropland subject to expiring conservation reserve contracts entered into prior to Nov. 28, 1990, and to report on the study to committees of Congress not later than Dec. 31, 1993, and authorized the Secretary, during calendar years 1996 to 2000, to extend up to 10 years contracts entered into under this subpart prior to Nov. 28, 1990, or to purchase long-term or permanent easements as provided for in former part III of this subchapter, at the option of the owner or operator on land that the Secretary has determined under the study should remain in conserving uses, was repealed by Pub. L. 115-334, title II, §2815, Dec. 20, 2018, 132 Stat. 4602.

EXISTING CONSERVATION PROGRAMS

Pub. L. 99-263, Mar. 24, 1986, 100 Stat. 59, provided: “That the conservation reserve program shall not replace or reduce any existing conservation program.”

§ 3831a. Conservation reserve enhancement program

(a) Definitions

In this section:

(1) CREP

The term “CREP” means a conservation reserve enhancement program carried out under subsection (b)(1).

(2) Eligible land

The term “eligible land” means land that is eligible to be included in the program established under this subpart.

(3) Eligible partner

The term “eligible partner” means—

- (A) a State;
- (B) a political subdivision of a State;
- (C) an Indian tribe (as defined in section 5304 of title 25); or
- (D) a nongovernmental organization.

(4) Management

The term “management” means an activity conducted by an owner or operator under a