

1 **Subtitle H— Agricultural Conservation Easement Program**

2
3 **SEC. 1265. [16 U.S.C. 3865] ESTABLISHMENT AND PURPOSES.**

4 (a) Establishment.— The Secretary shall establish an agricultural conservation easement
5 program for the conservation of eligible land and natural resources through easements or other
6 interests in land.

7 (b) Purposes.— The purposes of the program are to—

8 (1) combine the purposes and coordinate the functions of the wetlands reserve
9 program established under section 1237, the grassland reserve program established under
10 section 1238N, and the farmland protection program established under section 1238I, as
11 such sections were in effect on the day before the date of enactment of the Agricultural
12 Act of 2014;

13 (2) restore, protect, and enhance wetlands on eligible land;

14 (3) protect the agricultural use and future viability, and related conservation
15 values, of eligible land by limiting nonagricultural uses of that land that negatively affect
16 the agricultural uses and conservation values; and

17 (4) protect grazing uses and related conservation values by ~~restoring and~~ restoring
18 or conserving eligible land.

19
20 **SEC. 1265A. [16 U.S.C. 3865a] DEFINITIONS.**

21 In this subtitle:

22 (1) Agricultural land easement.— The term “agricultural land easement” means
23 an easement or other interest in eligible land that—

24 (A) is conveyed for the purpose of protecting natural resources and the
25 agricultural nature of the land; and

26 (B) permits the landowner the right to continue agricultural production and
27 related uses ~~subject to an agricultural land easement plan, as approved by the~~
28 ~~Secretary.~~

29 (2) BUY-PROTECT-SELL TRANSACTION.—

30 (A) IN GENERAL.—The term ‘buy-protect-sell transaction’ means a legal
31 arrangement—

32 (i) between an eligible entity and the Secretary relating to land that
33 an eligible entity owns or is going to purchase prior to acquisition of an
34 agricultural land easement;

35 (ii) under which the eligible entity certifies to the Secretary that the
36 eligible entity shall—

37 (I)(aa) hold an agricultural land easement on that
38 land, but transfer ownership of the land to a farmer or
39 rancher that is not an eligible entity prior to or on
40 acquisition of the agricultural land easement; or

1 (bb) hold an agricultural land easement on that land, but
2 transfer ownership of the land to a farmer or rancher that is
3 not an eligible entity in a timely manner and, subject to
4 subparagraph (B), not later than 3 years after the date of
5 acquisition of the agricultural land easement; and

6 (II) make an initial sale of the land subject to the agricultural land
7 easement to a farmer or rancher at not more than agricultural value, plus
8 any reasonable holding and transaction costs incurred by the eligible
9 entity, as determined by the Secretary; and

10 (iii) under which the Secretary shall be reimbursed for the entirety
11 of the Federal share of the cost of the agricultural land easement by the
12 eligible entity if the eligible entity fails to transfer ownership under item
13 (aa) or (bb), as applicable, of clause (ii)(I).

14 (B) TIME EXTENSION.—Under subparagraph (A)(ii)(I)(bb), an eligible
15 entity may transfer land later than 3 years after the date of acquisition of the
16 agricultural land easement if the Secretary determines an extension of time is
17 justified.;

18 (32) Eligible entity.— The term “eligible entity” means—

19 (A) an agency of State or local government or an Indian tribe (including a
20 farmland protection board or land resource council established under State law);
21 or

22 (B) an organization that is—

23 (i) organized for, and at all times since the formation of the
24 organization has been operated principally for, 1 or more of the
25 conservation purposes specified in clause (i), (ii), (iii), or (iv) of section
26 170(h)(4)(A) of the Internal Revenue Code of 1986;

27 (ii) an organization described in section 501(c)(3) of that Code that
28 is exempt from taxation under section 501(a) of that Code; or

29 (iii) described in—

30 (I) paragraph (1) or (2) of section 509(a) of that Code; or

31 (II) section 509(a)(3) of that Code and is controlled by an
32 organization described in section 509(a)(2) of that Code.

33 (34) Eligible land.— The term “eligible land” means private or tribal land that
34 is—

35 (A) in the case of an agricultural land easement, agricultural land,
36 including land on a farm or ranch—

37 (i) that is subject ~~to a~~ to—

38 (I) a pending offer for purchase of an agricultural land
39 easement from an eligible entity; or

40 (II) a buy-protect-sell transaction;

1 (ii)(I) that has prime, unique, or other productive soil;
2 (II) that contains historical or archaeological resources;
3 (III) the enrollment of which would protect grazing uses
4 and related conservation values by restoring and conserving land;
5 or

6 (IV) the protection of which will further a State or local
7 policy consistent with the purposes of the program; and

8 (iii) that is—

9 (I) cropland;

10 (II) rangeland;

11 (III) grassland or land that contains forbs, or shrubland for
12 which grazing is the predominant use;

13 (IV) located in an area that has been historically dominated
14 by grassland, forbs, or shrubs and could provide habitat for animal
15 or plant populations of significant ecological value;

16 (V) pastureland; or

17 (VI) nonindustrial private forest land that contributes to the
18 economic viability of an offered parcel or serves as a buffer to
19 protect such land from development;

20 (B) in the case of a wetland reserve easement, a wetland or related area,
21 including—

22 (i) farmed or converted wetlands, together with adjacent land that
23 is functionally dependent on that land, if the Secretary determines it—

24 (I) is likely to be successfully restored in a cost-effective
25 manner; and

26 (II) will maximize the wildlife benefits and wetland
27 functions and values, ~~as determined by the Secretary in~~
28 ~~consultation with the Secretary of the Interior at the local level;~~

29 (ii) cropland or grassland that was used for agricultural production
30 prior to flooding from the natural overflow of—

31 (I) a closed basin lake and adjacent land that is functionally
32 dependent upon it, if the State or other entity is willing to provide
33 50 percent share of the cost of an easement; or

34 (II) a pothole and adjacent land that is functionally
35 dependent on it;

36 (iii) farmed wetlands and adjoining lands that—

37 (I) are enrolled in the conservation reserve program;

38 (II) have the highest wetland functions and values, as
39 determined by the Secretary; and

- 1 (III) are likely to return to production after they leave the
2 conservation reserve program;
3 (iv) riparian areas that link wetlands that are protected by
4 easements or some other device that achieves the same purpose as an
5 easement; or
6 (v) other wetlands of an owner that would not otherwise be
7 eligible, if the Secretary determines that the inclusion of such wetlands in
8 a wetland reserve easement would significantly add to the functional value
9 of the easement; or

10 (C)] in the case of either an agricultural land easement or a wetland
11 reserve easement, other land that is incidental to land described in subparagraph
12 (A) or (B), if the Secretary determines that it is necessary for the efficient
13 administration of an easement under the program.

14 (5) MONITORING REPORT- The term ‘monitoring report’ means a
15 report, the contents of which are formulated and prepared by the holder of an
16 agricultural land easement, that accurately documents whether the land subject to
17 the agricultural land easement is in compliance with the terms and conditions of
18 the agricultural land easement.

19 (4 6) Program.— The term “program” means the agricultural conservation
20 easement program established by this subtitle.

21 (5 7) Wetland reserve easement.— The term “wetland reserve easement”
22 means a reserved interest in eligible land that—

23 (A) is defined and delineated in a deed; and

24 (B) stipulates—

25 (i) the rights, title, and interests in land conveyed to the Secretary;
26 and

27 (ii) the rights, title, and interests in land that are reserved to the
28 landowner.

29
30 **SEC. 1265B. [16 U.S.C. 3865b] AGRICULTURAL LAND EASEMENTS.**

31 (a) Availability of Assistance.— The Secretary shall facilitate and provide funding for—

32 (1) the purchase by eligible entities of agricultural land easements in eligible land;

33 ~~and~~

34 (2) technical assistance to ~~provide for the conservation of natural resources~~
35 ~~pursuant to an agricultural land easement plan.~~ implement the program, including
36 technical assistance for the development of a conservation plan under subsection
37 (b)(4)(C)(iv); and

38 (3) buy-protect-sell transactions.

39 (b) Cost-Share Assistance.—

1 (1) In general.— The Secretary shall protect the agricultural use, including
2 grazing, and related conservation values of eligible land through cost-share assistance to
3 eligible entities for purchasing agricultural land easements.

4 (2) Scope of assistance available.—

5 (A) Federal share.— An agreement described in paragraph (4) shall
6 provide for a Federal share determined by the Secretary of an amount not to
7 exceed 50 percent of the fair market value of the agricultural land easement, as
8 determined by the Secretary using-

- 9 (i) the Uniform Standards of Professional Appraisal Practice;
10 (ii) an areawide market analysis or survey; or
11 (iii) another industry-approved method.

12 (B) Non-federal share.—

13 (i) In general.— Under the agreement, the eligible entity shall
14 provide a share that is at least equivalent to that provided by the Secretary.

15 ~~(ii) Source of contribution.— An eligible entity may include as~~
16 ~~part of its share under clause (i) a charitable donation or qualified~~
17 ~~conservation contribution (as defined by section 170(h) of the Internal~~
18 ~~Revenue Code of 1986) from the private landowner if the eligible entity~~
19 ~~contributes its own cash resources in an amount that is at least 50 percent~~
20 ~~of the amount contributed by the Secretary.~~

21 (ii) (C) GRASSLANDS EXCEPTION- In the case of grassland of special
22 environmental significance, as determined by the Secretary, the Secretary may
23 provide an amount not to exceed 75 percent of the fair market value of the
24 agricultural land easement.

25 (iii) PERMISSIBLE FORMS.—The non-Federal share provided by an
26 eligible entity under this subparagraph may comprise—

27 (I) cash resources;

28 (II) a charitable donation or qualified conservation
29 contribution (as defined in section 170(h) of the Internal Revenue
30 Code of 1986) from the private landowner from which the
31 agricultural land easement will be purchased;

32 (III) costs associated with securing a deed to the
33 agricultural land easement, including the cost of appraisal, survey,
34 inspection, and title; and

35 (IV) other costs, as determined by the Secretary.

36 ~~(C) Exception.—~~

37 ~~(i) Grasslands.— In the case of grassland of special environmental~~
38 ~~significance, as determined by the Secretary, the Secretary may provide an~~
39 ~~amount not to exceed 75 percent of the fair market value of the~~
40 ~~agricultural land easement.~~

~~(ii) Cash contribution.—For purposes of subparagraph (B)(ii), the Secretary may waive any portion of the eligible entity cash contribution requirement for projects of special significance, subject to an increase in the private landowner donation that is equal to the amount of the waiver, if the donation is voluntary and the property is in active agricultural production.~~

(3) Evaluation and ranking of applications.—

(A) Criteria.— The Secretary shall establish evaluation and ranking criteria to maximize the benefit of Federal investment under the program.

(B) Considerations.— In establishing the criteria, the Secretary shall emphasize support for—

(i) protecting agricultural uses and related conservation values of the land; and

(ii) maximizing the protection of areas devoted to agricultural use.

(C) ACCOUNTING FOR GEOGRAPHIC DIFFERENCES.—The Secretary may adjust the criteria established under subparagraph (A) to account for geographic differences, if the adjustments—

(i) meet the purposes of the program; and

(ii) continue to maximize the benefit of the Federal investment under the program.

(D) PRIORITY.—In evaluating applications under the program, the Secretary may give priority to an application for the purchase of an agricultural land easement that, as determined by the Secretary, maintains agricultural viability.

~~(E) Bidding down.—~~ If the Secretary determines that 2 or more applications for cost-share assistance are comparable in achieving the purpose of the program, the Secretary shall not assign a higher priority to any of those applications solely on the basis of lesser cost to the program.

(4) Agreements with eligible entities.—

(A) In general.— The Secretary shall enter into agreements with eligible entities to stipulate the terms and conditions under which the eligible entity is permitted to use cost-share assistance provided under this section.

(B) Length of agreements.— An agreement shall be for a term that is—

(i) in the case of an eligible entity certified under the process described in paragraph (5), a minimum of five years; and

(ii) for all other eligible entities, at least three, but not more than five years.

(C) Minimum terms and conditions.— An eligible entity shall be authorized to use its own terms and conditions for agricultural land easements so long as the Secretary determines such terms and conditions—

1 (i) are consistent with the purposes of the program;
2 (ii) permit effective enforcement of the conservation purposes of
3 such easements;
4 (iii) include a right of enforcement for the Secretary that—
5 (I) may be used only if the terms and conditions of the
6 easement are not enforced by the eligible entity; and
7 (II) does not extend to a right of inspection unless—
8 (aa)(AA) the holder of the easement fails to provide
9 monitoring reports in a timely manner; or
10 (BB) the Secretary has a reasonable and
11 articulable belief that the terms and conditions of
12 the easement have been violated; and
13 (bb) prior to the inspection, the Secretary notifies
14 the eligible entity and the landowner of the inspection and
15 provides a reasonable opportunity for the eligible entity and
16 the landowner to participate in the inspection;
17 (iv) include a conservation plan only for any portion of the land
18 subject to the agricultural land easement that is highly erodible cropland;
19 and

20 ~~(iii) include a right of enforcement for the Secretary, that may be~~
21 ~~used only if the terms of the easement are not enforced by the holder of~~
22 ~~the easement;~~

23 ~~[(iv) subject the land in which an interest is purchased to an~~
24 ~~agricultural land easement plan that—~~
25 ~~(I) describes the activities which promote the long-term~~
26 ~~viability of the land to meet the purposes for which the easement~~
27 ~~was acquired;~~
28 ~~(II) requires the management of grasslands according to a~~
29 ~~grasslands management plan; and~~
30 ~~(III) includes a conservation plan, where appropriate, and~~
31 ~~requires, at the option of the Secretary, the conversion of highly~~
32 ~~erodible cropland to less intensive uses; and]~~

33 (v) include a limit on the impervious surfaces to be allowed that is
34 consistent with the agricultural activities to be conducted.

35 (D) ADDITIONAL PERMITTED TERMS AND CONDITIONS.—An
36 eligible entity may include terms and conditions for an agricultural land easement
37 that—

38 (i) are intended to keep the land subject to the agricultural land
39 easement under the ownership of a farmer or rancher, as determined by the
40 Secretary;

1 (ii) allow subsurface mineral development on the land subject to
2 the agricultural land easement and in accordance with applicable State law
3 if, as determined by the Secretary—

4 (I) the subsurface mineral development—

5 (aa) has a limited and localized impact;

6 (bb) does not harm the agricultural use and
7 conservation values of the land subject to the easement;

8 (cc) does not materially alter or affect the existing
9 topography;

10 (dd) shall comply with a subsurface mineral
11 development plan that—

12 (AA) includes a plan for the remediation of
13 impacts to the agricultural use and conservation
14 values of the land subject to the easement; and

15 (BB) is approved by the Secretary prior to
16 the initiation of mineral development activity;

17 (ee) is not accomplished by any surface mining
18 method;

19 (ff) is within the impervious surface limits of the
20 easement under subparagraph (C)(v); and

21 (gg) uses practices and technologies that minimize
22 the duration and intensity of impacts to the agricultural use
23 and conservation values of the land subject to the easement;
24 and

25 (II) each area impacted by the subsurface mineral
26 development shall be reclaimed and restored by the holder of the
27 mineral rights at cessation of operation; and

28 (iii) include other relevant activities relating to the agricultural land
29 easement, as determined by the Secretary.

30 ~~(DE)~~ Substitution of qualified projects.— An agreement shall allow, upon
31 mutual agreement of the parties, substitution of qualified projects that are
32 identified at the time of the proposed substitution.

33 ~~(EF)~~ Effect of violation.— If a violation occurs of a term or condition of
34 an agreement under this subsection—

35 (i) the Secretary may terminate the agreement; and

36 (ii) the Secretary may require the eligible entity to refund all or
37 part of any payments received by the entity under the program, with
38 interest on the payments as determined appropriate by the Secretary.

39 (5) Certification of eligible entities.—

1 (A) Certification process.— The Secretary shall establish a process under
2 which the Secretary may—

- 3 (i) directly certify eligible entities that meet established criteria;
- 4 (ii) enter into long-term agreements with certified eligible entities;

5 ~~and~~

6 (iii) accept proposals for cost-share assistance for the purchase of
7 agricultural land easements throughout the duration of such agreements;

8 and

9 (iv) allow a certified eligible entity to use its own terms and
10 conditions, notwithstanding paragraph (4)(C), as long as the terms and
11 conditions are consistent with the purposes of the program.

12 (B) Certification criteria.— In order to be certified, an eligible entity shall
13 demonstrate to the Secretary that the ~~entity will~~ eligible entity—

14 (i) will maintain, at a minimum, for the duration of the
15 agreement—

16 (i I) a plan for administering easements that is consistent
17 with the purpose of the program;

18 (ii II) the capacity and resources to monitor and enforce
19 agricultural land easements; and

20 (iii III) policies and procedures to ensure—

21 (I aa) the long-term integrity of agricultural land
22 easements on eligible land;

23 (II bb) timely completion of acquisitions of such
24 easements; and

25 (III cc) timely and complete evaluation and
26 reporting to the Secretary on the use of funds provided
27 under the program;

28 (ii) has—

29 (I) been accredited by the Land Trust Accreditation
30 Commission, or by an equivalent accrediting body, as determined
31 by the Secretary;

32 (II) acquired not fewer than 10 agricultural land easements
33 under the program or any predecessor program; and

34 (III) successfully met the responsibilities of the eligible
35 entity under the applicable agreements with the Secretary, as
36 determined by the Secretary, relating to agricultural land
37 easements that the eligible entity has acquired under the program
38 or any predecessor program; or

39 (iii) is a State department of agriculture or other State agency with
40 statutory authority for farm and ranchland protection that has—

1 (I) acquired not fewer than 10 agricultural land easements
2 under the program or any predecessor program; and

3 (II) successfully met the responsibilities of the eligible
4 entity under the applicable agreements with the Secretary, as
5 determined by the Secretary, relating to agricultural land
6 easements that the eligible entity has acquired under the program
7 or any predecessor program.

8 (C) Review and revision.—

9 (i) Review.— The Secretary shall conduct a review of eligible
10 entities certified under subparagraph (A) every three years to ensure that
11 such entities are meeting the criteria established under subparagraph (B).

12 (ii) Revocation.— If the Secretary finds that a certified eligible
13 entity no longer meets the criteria established under subparagraph (B), the
14 Secretary may—

15 (I) allow the certified eligible entity a specified period of
16 time, at a minimum 180 days, in which to take such actions as may
17 be necessary to meet the criteria; and

18 (II) revoke the certification of the eligible entity, if, after
19 the specified period of time, the certified eligible entity does not
20 meet such criteria.

21 (c) Method of Enrollment.— The Secretary shall enroll eligible land under this section
22 through the use of—

23 (1) permanent easements; or

24 (2) easements for the maximum duration allowed under applicable State laws.

25 (d) TECHNICAL ASSISTANCE— The Secretary may provide technical assistance, if
26 requested, to assist in compliance with the terms and conditions of easements.

27 ~~(d) Technical Assistance.— The Secretary may provide technical assistance, if requested,~~
28 ~~to assist in —~~

29 ~~(1) compliance with the terms and conditions of easements; and~~

30 ~~(2) implementation of an agricultural land easement plan.~~

31
32 **SEC. 1265C. [16 U.S.C. 3865c] WETLAND RESERVE EASEMENTS.**

33 [...]

34
35 **SEC. 1265D. [16 U.S.C. 3865d] ADMINISTRATION.**

36 (a) Ineligible Land.— The Secretary may not use program funds for the purposes of
37 acquiring an easement on—

38 (1) lands owned by an agency of the United States, other than land held in
39 trust for Indian tribes;

1 (2) lands owned in fee title by a State, including an agency or a
2 subdivision of a State, or a unit of local government;

3 (3) land subject to an easement or deed restriction which, as determined by
4 the Secretary, provides similar protection as would be provided by enrollment in
5 the program; or

6 (4) lands where the purposes of the program would be undermined due to
7 on-site or off-site conditions, such as risk of hazardous substances, ~~proposed~~
8 permitted or existing rights of way, infrastructure development, or adjacent land
9 uses.

10 (b) Priority.— In evaluating applications under the program, the Secretary may give
11 priority to land that is currently enrolled in the conservation reserve program in a contract that is
12 set to expire within 1 year and—

13 (1) in the case of an agricultural land easement, is grassland that would benefit
14 from protection under a long-term easement; and

15 (2) in the case of a wetland reserve easement, is a wetland or related area with the
16 highest wetland functions and value and is likely to return to production after the land
17 leaves the conservation reserve program.

18 (c) Subordination, Exchange, Modification, and Termination.—

19 (1) SUBORDINATION.—The Secretary may subordinate any interest in land, or
20 portion of such interest, administered by the Secretary (including for the purposes of
21 utilities and energy transmission services) either directly or on behalf of the Commodity
22 Credit Corporation under the program if the Secretary determines that the
23 subordination—

24 (A) increases conservation values or has a limited negative effect on
25 conservation values;

26 (B) minimally affects the acreage subject to the interest in land; and

27 (C) is in the public interest or furthers the practical administration of the
28 program.

29 (2) MODIFICATION AND EXCHANGE.—

30 (A) AUTHORITY.—The Secretary may approve a modification or exchange
31 of any interest in land, or portion of such interest, administered by the Secretary,
32 either directly or on behalf of the Commodity Credit Corporation under the
33 program if the Secretary determines that—

34 (i) no reasonable alternative exists and the effect on the interest in
35 land is avoided or minimized to the extent practicable;

36 (iii) the modification or exchange—

37 (I) results in equal or increased conservation values;

38 (II) results in equal or greater economic value to the United
39 States

40 (III) is consistent with the original intent of the easement;

1 (III) is consistent with the purposes of the program; and
2 (IV) is in the public interest or furthers the practical
3 administration of the program.

4 (B) LIMITATION.—In modifying or exchanging an interest in land, or
5 portion of such interest, under this paragraph, the Secretary may not increase any
6 payment to an eligible entity.

7 (3) TERMINATION.—The Secretary may approve a termination of any interest in
8 land, or portion of such interest, administered by the Secretary, directly or on behalf of
9 the Commodity Credit Corporation under the program if the Secretary determines that—

10 (A) termination is in the interest of the Federal Government;

11 (B) the United States will be fully compensated for—

12 (i) the fair market value of the interest in land;

13 (ii) any costs relating to the termination; and

14 (iii) any damages determined appropriate by the Secretary; and

15 (C) the termination will—

16 (i) address a compelling public need for which there is no
17 practicable alternative even with avoidance and minimization; and

18 (ii) further the practical administration of the program.

19 (4) CONSENT.—The Secretary shall obtain consent from the landowner and
20 eligible entity, if applicable, for any subordination, exchange, modification, or
21 termination of interest in land, or portion of such interest, under this subsection.

22 (5) NOTICE.—At least 90 days before taking any termination action described in
23 paragraph (3), the Secretary shall provide written notice of such action to the Committee
24 on Agriculture of the House of Representatives and the Committee on Agriculture,
25 Nutrition, and Forestry of the Senate.

26 ~~(c) Subordination, Exchange, Modification, and Termination.—~~

27 ~~(1) In general.—The Secretary may subordinate, or exchange, modify, or~~
28 ~~terminate any interest in land, or portion of such interest, administered by the Secretary,~~
29 ~~either directly or on behalf of the Commodity Credit Corporation under the program if~~
30 ~~the Secretary determines that—~~

31 ~~(A) it is in the Federal Government's interest to subordinate, or exchange,~~
32 ~~modify, or terminate the interest in land;~~

33 ~~(B) the subordination, or exchange, modification, or termination action—~~

34 ~~(i) will address a compelling public need for which there is no~~
35 ~~practicable alternative; or~~

36 ~~(ii) such action will further the practical administration of the~~
37 ~~program; and~~

38 ~~(C) the subordination, or exchange, modification, or termination action~~
39 ~~will result in comparable conservation value and equivalent or greater economic~~
40 ~~value to the United States.~~

1 ~~(2) Consultation.—The Secretary shall work with the owner, and eligible entity if~~
2 ~~applicable, to address any subordination, exchange, modification, or termination of the~~
3 ~~interest, or portion of such interest, in land.~~

4 ~~(3) Notice.—At least 90 days before taking any termination action described in~~
5 ~~paragraph (1), the Secretary shall provide written notice of such action to the Committee~~
6 ~~on Agriculture of the House of Representatives and the Committee on Agriculture,~~
7 ~~Nutrition, and Forestry of the Senate.~~

8 (d) Land Enrolled in Other Programs.—

9 (1) Conservation reserve program.— The Secretary may terminate or modify a
10 contract entered into under section 1231(a) if eligible land that is subject to such contract
11 is ~~transferred into the program~~ enrolled in an easement under section 1265C(b).

12 (2) Other.— In accordance with the provisions of subtitle H of title II of the
13 Agricultural Act of 2014, land enrolled in the wetlands reserve program, grassland
14 reserve program, or farmland protection program on the day before the date of enactment
15 of the Agricultural Act of 2014 shall be considered enrolled in the program.

16 (3) AGRICULTURAL LAND EASEMENTS- A farmer or rancher who owns
17 eligible land subject to an agricultural land easement may enter into a contract under
18 subchapter B of chapter 1 of subtitle D.

19 (e) Compliance With Certain Requirements.— The Secretary may not provide assistance
20 under this subtitle to an eligible entity or owner of eligible land unless the eligible entity or
21 owner agrees, during the crop year for which the assistance is provided—

- 22 (1) to comply with applicable conservation requirements under subtitle B; and
23 (2) to comply with applicable wetland protection requirements under subtitle C.