

## §3831. Conservation reserve

### (a) In general

Through the 2012 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) of this section 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 of this chapter; and

(B) the Secretary determines had a cropping history or was considered to be planted for 4 of the 6 years preceding the date of enactment of the Food, Conservation, and Energy Act of 2008 (except for land enrolled in the conservation reserve program as of that date);

(2) marginal pasture land converted to wetland or established as wildlife habitat prior to November 28, 1990;

(3) 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);

(4) 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, or filterstrips devoted to trees or shrubs;

(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; or

(5) 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.

**(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-

- (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.

**(d) Maximum enrollment**

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.

**(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) Certain land**

**(A) In general**

In the case of land devoted to hardwood trees, shelterbelts, windbreaks, or wildlife corridors under a contract entered into under this subpart after October 1, 1990, and land devoted to such uses under contracts modified under [section 3835a of this title](#), the owner or operator of the land may, within the limitations prescribed under this section, specify the duration of the contract.

**(B) Hardwood trees**

In the case of land that is devoted to hardwood trees under a contract entered into under this subpart prior to October 1, 1990, the Secretary may extend the contract for a term of not to exceed 5 years, as agreed to by the owner or operator of such land and the Secretary.

**(3) 1-year extension**

In the case of a contract described in paragraph (1) the term of which expires during calendar year 2002, an owner or operator of land enrolled under the contract may extend the contract for 1 additional year.

**(f) Conservation priority areas**

**(1) Designation**

On application by the appropriate State agency, the Secretary shall designate watershed areas of the Chesapeake Bay Region, the Great Lakes Region, the Long Island Sound Region, and other areas of special environmental sensitivity as conservation priority areas.

**(2) Eligible watersheds**

Watersheds 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 a watershed's designation-

(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.

**(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**

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.

**(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.)

**REFERENCES IN TEXT**

The date of enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec. (b)(1)(B), is the date of enactment of Pub. L. 110–246, which was approved June 18, 2008.

**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

**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).

### **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](#).

### **STUDY ON ECONOMIC EFFECTS**

Pub. L. 107–171, title II, §2101(b), May 13, 2002, 116 Stat. 252, provided that:

“(1) In general.-Not later than 18 months after the date of enactment of this Act [May 13, 2002], the Secretary of Agriculture 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 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.](#)).

“(2) Components.-The study under paragraph (1) shall include analyses of-

“(A) the impact that enrollments in the conservation reserve program have on rural businesses, civic organizations, and community services (such as schools, public safety, and infrastructure), particularly in communities with a large percentage of whole farm enrollments;

“(B) the effect that those enrollments have on rural population and beginning farmers (including a description of any connection between the rate of enrollment and the incidence of absentee ownership);

“(C)(i) the manner in which differential per acre payment rates potentially impact the types of land (by productivity) enrolled;

“(ii) changes to the per acre payment rates that may affect that impact; and

“(iii) the manner in which differential per acre payment rates could facilitate retention of productive agricultural land in agriculture; and

“(D) the effect of enrollment on opportunities for recreational activities (including hunting and fishing).”

### **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, 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 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.

### **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.”

## **§3832. Duties of owners and operators**

### **(a) In general**

Under the terms of a contract entered into under this subpart, during the term of the contract, an owner or operator of a farm or ranch shall agree-

(1) to implement a plan approved by the local conservation district (or in an area not located within a conservation district, a plan approved by the Secretary) for converting eligible land normally devoted to the production of an agricultural commodity on the farm or ranch to a less intensive use (as defined by the Secretary), such as pasture, permanent grass, legumes, forbs, shrubs, or trees, substantially in accordance with a schedule outlined in the plan;

(2) to place highly erodible cropland subject to the contract in the conservation reserve established under this subpart;

(3) not to use the land for agricultural purposes, except as permitted by the Secretary;

(4) to establish approved vegetative cover (which may include emerging vegetation in water), water cover for the enhancement of wildlife, or, where practicable, maintain existing cover on the land, except that-

(A) the water cover shall not include ponds for the purpose of watering livestock, irrigating crops, or raising fish for commercial purposes; and

(B) the Secretary shall not terminate the contract for failure to establish approved vegetative or water cover on the land if-

(i) the failure to plant the cover was due to excessive rainfall or flooding;

(ii) the land subject to the contract that could practicably be planted to the cover is planted to the cover; and

(iii) the land on which the owner or operator was unable to plant the cover is planted to the cover after the wet conditions that prevented the planting subsides;

(5) to undertake management on the land as needed throughout the term of the contract to implement the conservation plan;

(6) on a violation of a term or condition of the contract at any time the owner or operator has control of the land-

(A) to forfeit all rights to receive rental payments and cost sharing payments under the contract and to refund to the Secretary any rental payments and cost sharing payments received by the owner or operator under the contract, together with interest on the

payments as determined by the Secretary, if the Secretary, after considering the recommendations of the soil conservation district and the Natural Resources Conservation Service, determines that the violation is of such nature as to warrant termination of the contract; or

(B) to refund to the Secretary, or accept adjustments to, the rental payments and cost sharing payments provided to the owner or operator, as the Secretary considers appropriate, if the Secretary determines that the violation does not warrant termination of the contract;

(7) on the transfer of the right and interest of the owner or operator in land subject to the contract-

(A) to forfeit all rights to rental payments and cost sharing payments under the contract; and

(B) to refund to the United States all rental payments and cost sharing payments received by the owner or operator, or accept such payment adjustments or make such refunds as the Secretary considers appropriate and consistent with the objectives of this subpart;

unless the transferee of the land agrees with the Secretary to assume all obligations of the contract, except that no refund of rental payments and cost sharing payments shall be required if the land is purchased by or for the United States Fish and Wildlife Service, or the transferee and the Secretary agree to modifications to the contract, in a case in which the modifications are consistent with the objectives of the program, as determined by the Secretary;

(8) not to conduct any harvesting or grazing, nor otherwise make commercial use of the forage, on land that is subject to the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that the Secretary may permit, consistent with the conservation of soil, water quality, and wildlife habitat (including habitat during nesting seasons for birds in the area)-

(A) managed harvesting (including the managed harvesting of biomass), except that in permitting managed harvesting, the Secretary, in coordination with the State technical committee-

(i) shall develop appropriate vegetation management requirements; and

(ii) shall identify periods during which managed harvesting may be conducted;

(B) harvesting and grazing or other commercial use of the forage on the land that is subject to the contract in response to a drought or other emergency;

(C) routine grazing or prescribed grazing for the control of invasive species, except that in permitting such routine grazing or prescribed grazing, the Secretary, in coordination with the State technical committee-

(i) shall develop appropriate vegetation management requirements and stocking rates for the land that are suitable for continued routine grazing; and

(ii) shall establish the frequency during which routine grazing may be conducted, taking into consideration regional differences such as-

(I) climate, soil type, and natural resources;

(II) the number of years that should be required between routine grazing activities;

and

(III) how often during a year in which routine grazing is permitted that routine grazing should be allowed to occur; and

(D) the installation of wind turbines, except that in permitting the installation of wind turbines, the Secretary shall determine the number and location of wind turbines that may be installed, taking into account-

- (i) the location, size, and other physical characteristics of the land;
- (ii) the extent to which the land contains wildlife and wildlife habitat; and
- (iii) the purposes of the conservation reserve program under this subpart;

(9) not to conduct any planting of trees on land that is subject to the contract unless the contract specifies that the harvesting and commercial sale of trees such as Christmas trees are prohibited, nor otherwise make commercial use of trees on land that is subject to the contract unless it is expressly permitted in the contract, nor adopt any similar practice specified in the contract by the Secretary as a practice that would tend to defeat the purposes of the contract, except that no contract shall prohibit activities consistent with customary forestry practice, such as pruning, thinning, or stand improvement of trees, on land converted to forestry use;

(10) not to adopt any practice specified by the Secretary in the contract as a practice that would tend to defeat the purposes of this subpart; and

(11) to comply with such additional provisions as the Secretary determines are desirable and are included in the contract to carry out this subpart or to facilitate the practical administration of this subpart.

**(b) Conservation plans**

The plan referred to in subsection (a)(1) of this section-

(1) shall set forth-

(A) the conservation measures and practices to be carried out by the owner or operator during the term of the contract; and

(B) the commercial use, if any, to be permitted on the land during the term; and

(2) may provide for the permanent retirement of any existing cropland base and allotment history for the land.

**(c) Foreclosure**

**(1) In general**

Notwithstanding any other provision of law, an owner or operator who is a party to a contract entered into under this subpart may not be required to make repayments to the Secretary of amounts received under the contract if the land that is subject to the contract has been foreclosed on and the Secretary determines that forgiving the repayments is appropriate in order to provide fair and equitable treatment.

**(2) Resumption of control**

**(A) In general**

This subsection shall not void the responsibilities of an owner or operator under the contract if the owner or operator resumes control over the land that is subject to the contract within the period specified in the contract.



## **(B) Contract**

On the resumption of the control over the land by the owner or operator, the provisions of the contract in effect on the date of the foreclosure shall apply.

### **(d) Rental payment reduction for certain authorized uses of enrolled land**

In the case of an authorized activity under subsection (a)(8) on land that is subject to a contract under this subpart, the Secretary shall reduce the rental payment otherwise payable under the contract by an amount commensurate with the economic value of the authorized activity.

(Pub. L. 99–198, title XII, §1232, as added Pub. L. 107–171, title II, §2101(a), May 13, 2002, 116 Stat. 242; amended Pub. L. 108–7, div. N, title II, §212, Feb. 20, 2003, 117 Stat. 545; Pub. L. 110–234, title II, §§2107, 2108, May 22, 2008, 122 Stat. 1032, 1033; Pub. L. 110–246, §4(a), title II, §§2107, 2108, June 18, 2008, 122 Stat. 1664, 1760, 1761.)

### **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 3832, Pub. L. 99–198, title XII, §1232, Dec. 23, 1985, 99 Stat. 1509; Pub. L. 101–512, title I, Nov. 5, 1990, 104 Stat. 1919; Pub. L. 101–624, title XIV, §§1433, 1447(a), Nov. 28, 1990, 104 Stat. 3579, 3605; Pub. L. 102–237, title II, §204(5), Dec. 13, 1991, 105 Stat. 1855; Pub. L. 102–552, title V, §516(a), Oct. 28, 1992, 106 Stat. 4136; Pub. L. 104–127, title III, §332(a)(2), Apr. 4, 1996, 110 Stat. 994; Pub. L. 106–78, title VII, §§763, 769, Oct. 22, 1999, 113 Stat. 1173, 1174; Pub. L. 106–387, §1(a) [title VIII, §817, title XI, §1103], Oct. 28, 2000, 114 Stat. 1549, 1549A–58, 1549A–77; Pub. L. 107–76, title VII, §§758(b), 759(b)(2), Nov. 28, 2001, 115 Stat. 741, related to duties of owners and operators, prior to the general amendment of this subpart by Pub. L. 107–171.

### **AMENDMENTS**

**2008-**Subsec. (a)(5) to (7). Pub. L. 110–246, §2107, added par. (5) and redesignated former pars. (5) and (6) as (6) and (7), respectively. Former par. (7) redesignated (8).

Subsec. (a)(8). Pub. L. 110–246, §2108(a), added par. (8) and struck out former par. (8) which related to prohibition against harvesting, grazing, or other commercial use of the forage, with exception authorizing Secretary to permit managed harvesting and grazing if appropriate requirements were developed and timeframes identified or in a drought or other emergency, and exception for the installation of wind turbines.

Pub. L. 110–246, §2107(1), redesignated par. (7) as (8). Former par. (8) redesignated (9).

Subsec. (a)(9) to (11). Pub. L. 110–246, §2107(1), redesignated pars. (8) to (10) as (9) to (11), respectively.

Subsec. (d). Pub. L. 110–246, §2108(b), added subsec. (d).

**2003-**Subsec. (a)(7)(A)(iii). Pub. L. 108–7 inserted before semicolon “, except that this clause shall not apply to the 2002 calendar year, and the Secretary shall repay the owner or operator (in a manner determined by the Secretary) for any reduction in rental payments made to the owner or operator as the result of the application of this clause to the 2002 calendar year”.

### **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](#).

### **§3833. Duties of the Secretary**

In return for a contract entered into by an owner or operator under [section 3832 of this title](#), the Secretary shall-

(1) share the cost of carrying out the conservation measures and practices set forth in the contract for which the Secretary determines that cost sharing is appropriate and in the public interest; and

(2) for a period of years not in excess of the term of the contract, pay an annual rental payment in an amount necessary to compensate for-

(A) the conversion of highly erodible cropland normally devoted to the production of an agricultural commodity on a farm or ranch to a less intensive use; and

(B) the retirement of any cropland base and allotment history that the owner or operator agrees to retire permanently.

(Pub. L. 99–198, title XII, §1233, as added Pub. L. 107–171, title II, §2101(a), May 13, 2002, 116 Stat. 245.)

#### **PRIOR PROVISIONS**

A prior section 3833, Pub. L. 99–198, title XII, §1233, Dec. 23, 1985, 99 Stat. 1511, related to duties of Secretary, prior to the general amendment of this subpart by Pub. L. 107–171.

### **§3834. Payments**

#### **(a) Timing**

The Secretary shall provide payment for obligations incurred by the Secretary under a contract entered into under this subpart-

(1) with respect to any cost-sharing payment obligation incurred by the Secretary, as soon as practicable after the obligation is incurred; and

(2) with respect to any annual rental payment obligation incurred by the Secretary-

(A) as soon as practicable after October 1 of each calendar year; or

(B) at the option of the Secretary, at any time prior to such date during the year that the obligation is incurred.

#### **(b) Federal percentage of cost sharing payments**

##### **(1) In general**

In making cost sharing payments to an owner or operator under a contract entered into under this subpart, the Secretary shall pay 50 percent of the cost of establishing water quality and conservation measures and practices required under each contract for which the Secretary determines that cost sharing is appropriate and in the public interest.

##### **(2) Limitation**

The Secretary shall not make any payment to an owner or operator under this subpart to the extent that the total amount of cost sharing payments provided to the owner or operator from all sources would exceed 100 percent of the total cost of establishing measures and practices described in paragraph (1).

##### **(3) Trees, windbreaks, shelterbelts, and wildlife corridors**

## **(A) Applicability**

This paragraph applies to-

- (i) land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors under a contract entered into under this subpart after November 28, 1990;
- (ii) land converted to such production under [section 3835a of this title](#); and
- (iii) land on which an owner or operator agrees to conduct thinning authorized by [section 3832\(a\)\(9\) of this title](#), if the thinning is necessary to improve the condition of resources on the land.

## **(B) Payments**

### **(i) Percentage**

In making cost share payments to an owner or operator of land described in subparagraph (A), the Secretary shall pay 50 percent of the reasonable and necessary costs incurred by the owner or operator for maintaining trees or shrubs, including the cost of replanting (if the trees or shrubs were lost due to conditions beyond the control of the owner or operator) or thinning.

### **(ii) Duration**

The Secretary shall make payments as described in clause (i) for a period of not less than 2 years, but not more than 4 years, beginning on the date of-

- (I) the planting of the trees or shrubs; or
- (II) the thinning of existing stands to improve the condition of resources on the land.

## **(4) Hardwood tree planting**

The Secretary may permit owners or operators that contract to devote at least 10 acres of land to the production of hardwood trees under this subpart to extend the planting of the trees over a 3-year period if at least 1/3 of the trees are planted in each of the first 2 years.

## **(5) Other Federal cost share assistance**

An owner or operator shall not be eligible to receive or retain cost share assistance under this subsection if the owner or operator receives any other Federal cost share assistance with respect to the land under any other provision of law.

## **(c) Annual rental payments**

### **(1) In general**

In determining the amount of annual rental payments to be paid to owners and operators for converting highly erodible cropland normally devoted to the production of an agricultural commodity to less intensive use, the Secretary may consider, among other things, the amount necessary to encourage owners or operators of highly erodible cropland to participate in the program established by this subpart.

### **(2) Method of determination**

The amounts payable to owners or operators in the form of rental payments under contracts entered into under this subpart may be determined through-

- (A) the submission of bids for such contracts by owners and operators in such manner as the Secretary may prescribe; or
- (B) such other means as the Secretary determines are appropriate.

## **(3) Acceptance of contract offers**

### **(A) Evaluation of offers**

In determining the acceptability of contract offers, the Secretary may take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, or wildlife habitat or provide other environmental benefits.

**(B) Establishment of different criteria in various States and regions**

The Secretary may establish different criteria for determining the acceptability of contract offers in various States and regions of the United States based on the extent to which water quality or wildlife habitat may be improved or erosion may be abated.

**(C) Local preference**

In determining the acceptability of contract offers for new enrollments, the Secretary shall accept, to the maximum extent practicable, an offer from an owner or operator that is a resident of the county in which the land is located or of a contiguous county if, as determined by the Secretary, the land would provide at least equivalent conservation benefits to land under competing offers.

**(4) Hardwood tree acreage**

In the case of acreage enrolled in the conservation reserve established under this subpart that is to be devoted to hardwood trees, the Secretary may consider bids for contracts under this subsection on a continuous basis.

**(5) Rental rates**

**(A) Annual estimates**

The Secretary (acting through the National Agricultural Statistics Service) shall conduct an annual survey of per acre estimates of county average market dryland and irrigated cash rental rates for cropland and pastureland in all counties or equivalent subdivisions within each State that have 20,000 acres or more of cropland and pastureland.

**(B) Public availability of estimates**

The estimates derived from the annual survey conducted under subparagraph (A) shall be maintained on a website of the Department of Agriculture for use by the general public.

**(d) Cash or in-kind payments**

**(1) In general**

Except as otherwise provided in this section, payments under this subpart-

(A) shall be made in cash or in commodities in such amount and on such time schedule as is agreed on and specified in the contract; and

(B) may be made in advance of determination of performance.

**(2) Method of providing in-kind payments**

If the payment to an owner or operator is made with in-kind commodities, the payment shall be made by the Commodity Credit Corporation-

(A) by delivery of the commodity involved to the owner or operator at a warehouse or other similar facility located in the county in which the highly erodible cropland is located or at such other location as is agreed to by the Secretary and the owner or operator;

(B) by the transfer of negotiable warehouse receipts; or

(C) by such other method, including the sale of the commodity in commercial markets, as is determined by the Secretary to be appropriate to enable the owner or operator to receive efficient and expeditious possession of the commodity.

**(3) Cash payments**

**(A) Commodity Credit Corporation stocks**

If stocks of a commodity acquired by the Commodity Credit Corporation are not readily available to make full payment in kind to the owner or operator, the Secretary may substitute full or partial payment in cash for payment in kind.

**(B) Special conservation reserve enhancement program**

Payments to an owner or operator under a special conservation reserve enhancement program described in subsection (f)(4) of this section shall be in the form of cash only.

**(e) Payments on death, disability, or succession**

If an owner or operator that is entitled to a payment under a contract entered into under this subpart dies, becomes incompetent, is otherwise unable to receive the payment, or is succeeded by another person that renders or completes the required performance, the Secretary shall make the payment, in accordance with regulations prescribed by the Secretary and without regard to any other provision of law, in such manner as the Secretary determines is fair and reasonable in light of all of the circumstances.

**(f) Payment limitation for rental payments**

**(1) In general**

The total amount of rental payments, including rental payments made in the form of in-kind commodities, received by a person or legal entity, directly or indirectly, under this subpart for any fiscal year may not exceed \$50,000.

**(2) Repealed. Pub. L. 110–234, title II, §2110(c)(2), May 22, 2008, 122 Stat. 1035, and Pub. L. 110–246, §4(a), title II, §2110(c)(2), June 18, 2008, 122 Stat. 1664, 1763**

**(3) Other payments**

Rental payments received by an owner or operator shall be in addition to, and not affect, the total amount of payments that the owner or operator is otherwise eligible to receive under the Farm Security and Rural Investment Act of 2002.

**(4) Special conservation reserve enhancement program**

**(A) In general**

The provisions of this subsection that limit payments to any person or legal entity, and section 1305(d) of the Agricultural Reconciliation Act of 1987 (7 U.S.C. 1308 note; Public Law 100–203), shall not be applicable to payments received by a State, political subdivision, or agency thereof in connection with agreements entered into under a special conservation reserve enhancement program carried out by that entity that has been approved by the Secretary.

**(B) Agreements**

The Secretary may enter into such agreements for payments to States (including political subdivisions and agencies of States) that the Secretary determines will advance the purposes of this subpart.

**(g) Other State or local assistance**

In addition to any payment under this subpart, an owner or operator may receive cost share assistance, rental payments, or tax benefits from a State or subdivision thereof for enrolling land in the conservation reserve program.

(Pub. L. 99–198, title XII, §1234, as added Pub. L. 107–171, title II, §2101(a), May 13, 2002, 116 Stat. 245; amended Pub. L. 110–234, title II, §§2109, 2110(a), (b)(1), (c), May 22, 2008, 122 Stat. 1034, 1035; Pub. L. 110–246, §4(a), title II, §§2109, 2110(a), (b)(1), (c), June 18, 2008, 122 Stat. 1664, 1762, 1763.)

## REFERENCES IN TEXT

The Farm Security and Rural Investment Act of 2002, referred to in subsec. (f)(3), is Pub. L. 107–171, May 13, 2002, 116 Stat. 134. For complete classification of this Act to the Code, see Short Title note set out under [section 7901 of Title 7](#), Agriculture, 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 3834, Pub. L. 99–198, title XII, §1234, Dec. 23, 1985, 99 Stat. 1511; Pub. L. 100–387, title III, §322, Aug. 11, 1988, 102 Stat. 950; Pub. L. 101–624, title XIV, §§1434, 1447(a), Nov. 28, 1990, 104 Stat. 3581, 3605, related to payments for obligations, prior to the general amendment of this subpart by Pub. L. 107–171.

## AMENDMENTS

**2008**-Subsec. (b)(3). Pub. L. 110–246, §2109, added par. (3) and struck out former par. (3) which related to the making of payments to an owner or operator of land devoted to the production of hardwood trees, windbreaks, shelterbelts, or wildlife corridors.

Subsec. (c)(3). Pub. L. 110–246, §2110(a), added par. (3) and struck out former par. (3). Prior to amendment, text read as follows: “In determining the acceptability of contract offers, the Secretary may-

“(A) take into consideration the extent to which enrollment of the land that is the subject of the contract offer would improve soil resources, water quality, wildlife habitat, or provide other environmental benefits; and

“(B) establish different criteria in various States and regions of the United States based on the extent to which water quality or wildlife habitat may be improved or erosion may be abated.”

Subsec. (c)(5). Pub. L. 110–246, §2110(b)(1), added par. (5).

Subsec. (f)(1). Pub. L. 110–246, §2110(c)(1), substituted “received by a person or legal entity, directly or indirectly,” for “made to a person”.

Subsec. (f)(2). Pub. L. 110–246, §2110(c)(2), struck out par. (2) which related to promulgation of regulations defining the term “person” as used in subsec. (f) and providing terms and conditions determined necessary to ensure a fair and reasonable application of the subsec. (f) limitation.

Subsec. (f)(4)(A). Pub. L. 110–246, §2110(c)(3), substituted “any person or legal entity” for “any person”.

## 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.

## FIRST SURVEY PURSUANT TO SUBSECTION (C)(5)

Pub. L. 110–234, title II, §2110(b)(2), May 22, 2008, 122 Stat. 1035, and Pub. L. 110–246, §4(a), title II, §2110(b)(2), June 18, 2008, 122 Stat. 1664, 1763, provided that: “The first survey required by paragraph (5) of section 1234(c) of the Food Security Act of 1985 ([16 U.S.C.](#)

3834(c)), as added by subsection (a), shall be conducted not later than 1 year after the date of enactment of this Act [June 18, 2008].”

[Pub. L. 110–234 and Pub. L. 110–246 enacted identical provisions. Pub. L. 110–234 was repealed by section 4(a) of Pub. L. 110–246, set out as a note under [section 8701 of Title 7, Agriculture.](#)]

### **CONSERVATION RESEARCH APPLICATION**

For provisions directing that enumerated provisions of the Food Security Act of 1985 shall apply to the conservation reserve program under this subchapter with respect to rental payments to persons under contracts entered into after Dec. 22, 1987, with certain exceptions, see section 1305(d) of Pub. L. 100–203, set out as a note under [section 1308 of Title 7, Agriculture.](#)

## **§3835. Contracts**

### **(a) Ownership or operation requirements**

#### **(1) In general**

Except as provided in paragraph (2), no contract shall be entered into under this subpart concerning land with respect to which the ownership has changed in the 1-year period preceding the first year of the contract period unless-

(A) the new ownership was acquired by will or succession as a result of the death of the previous owner;

(B) the new ownership was acquired before January 1, 1985;

(C) the Secretary determines that the land was acquired under circumstances that give adequate assurance that the land was not acquired for the purpose of placing the land in the program established by this subpart; or

(D) the ownership change occurred due to foreclosure on the land and the owner of the land immediately before the foreclosure exercises a right of redemption from the mortgage holder in accordance with State law.

#### **(2) Exceptions**

Paragraph (1) shall not-

(A) prohibit the continuation of an agreement by a new owner after an agreement has been entered into under this subpart; or

(B) require a person to own the land as a condition of eligibility for entering into the contract if the person-

(i) has operated the land to be covered by a contract under this section for at least 1 year preceding the date of the contract or since January 1, 1985, whichever is later; and

(ii) controls the land for the contract period.

### **(b) Sales or transfers**

If, during the term of a contract entered into under this subpart, an owner or operator of land subject to the contract sells or otherwise transfers the ownership or right of occupancy of the land, the new owner or operator of the land may-

(1) continue the contract under the same terms or conditions;

(2) enter into a new contract in accordance with this subpart; or

(3) elect not to participate in the program established by this subpart.

### **(c) Modifications**

**(1) In general**

The Secretary may modify a contract entered into with an owner or operator under this subpart if-

- (A) the owner or operator agrees to the modification; and
- (B) the Secretary determines that the modification is desirable-
  - (i) to carry out this subpart;
  - (ii) to facilitate the practical administration of this subpart;
  - (iii) to facilitate a transition of land subject to the contract from a retired or retiring owner or operator to a beginning farmer or rancher or socially disadvantaged farmer or rancher for the purpose of returning some or all of the land into production using sustainable grazing or crop production methods; or
  - (iv) to achieve such other goals as the Secretary determines are appropriate, consistent with this subpart.

**(2) Production of agricultural commodities**

The Secretary may modify or waive a term or condition of a contract entered into under this subpart in order to permit all or part of the land subject to such contract to be devoted to the production of an agricultural commodity during a crop year, subject to such conditions as the Secretary determines are appropriate.

**(d) Termination**

**(1) In general**

The Secretary may terminate a contract entered into with an owner or operator under this subpart if-

- (A) the owner or operator agrees to the termination; and
- (B) the Secretary determines that the termination would be in the public interest.

**(2) Notice to congressional committees**

At least 90 days before taking any action to terminate under paragraph (1) all conservation reserve contracts entered into under this subpart, the Secretary shall provide to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate written notice of the action.

**(e) Early termination by owner or operator**

**(1) Early termination**

**(A) In general**

The Secretary shall allow a participant that entered into a contract under this subpart before January 1, 1995, to terminate the contract at any time if the contract has been in effect for at least 5 years.

**(B) Liability for contract violation**

The termination shall not relieve the participant of liability for a contract violation occurring before the date of the termination.

**(C) Notice to Secretary**

The participant shall provide the Secretary with reasonable notice of the desire of the participant to terminate the contract.

**(2) Certain land excepted**

The following land shall not be subject to an early termination of contract under this subsection:



(A) Filterstrips, waterways, strips adjacent to riparian areas, windbreaks, and shelterbelts.

(B) Land with an erodibility index of more than 15.

(C) Other land of high environmental value (including wetland), as determined by the Secretary.

**(3) Effective date**

The contract termination shall become effective 60 days after the date on which the owner or operator submits the notice required under paragraph (1)(C).

**(4) Prorated rental payment**

If a contract entered into under this subpart is terminated under this subsection before the end of the fiscal year for which a rental payment is due, the Secretary shall provide a prorated rental payment covering the portion of the fiscal year during which the contract was in effect.

**(5) Renewed enrollment**

The termination of a contract entered into under this subpart shall not affect the ability of the owner or operator that requested the termination to submit a subsequent bid to enroll the land that was subject to the contract into the conservation reserve.

**(6) Conservation requirements**

If land that was subject to a contract is returned to production of an agricultural commodity, the conservation requirements under subchapters II and III of this chapter shall apply to the use of the land to the extent that the requirements are similar to those requirements imposed on other similar land in the area, except that the requirements may not be more onerous than the requirements imposed on other land.

**(f) Transition option for certain farmers or ranchers**

**(1) Duties of the Secretary**

In the case of a contract modification approved in order to facilitate the transfer, as described in subsection (c)(1)(B)(iii), of land to a beginning farmer or rancher or socially disadvantaged farmer or rancher (in this subsection referred to as a “covered farmer or rancher”), the Secretary shall-

(A) beginning on the date that is 1 year before the date of termination of the contract-

(i) allow the covered farmer or rancher, in conjunction with the retired or retiring owner or operator, to make conservation and land improvements; and

(ii) allow the covered farmer or rancher to begin the certification process under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.);

(B) beginning on the date of termination of the contract, require the retired or retiring owner or operator to sell or lease (under a long-term lease or a lease with an option to purchase) to the covered farmer or rancher the land subject to the contract for production purposes;

(C) require the covered farmer or rancher to develop and implement a conservation plan;

(D) provide to the covered farmer or rancher an opportunity to enroll in the conservation stewardship program or the environmental quality incentives program by not later than the date on which the farmer or rancher takes possession of the land through ownership or lease; and

(E) continue to make annual payments to the retired or retiring owner or operator for not more than an additional 2 years after the date of termination of the contract, if the retired or

retiring owner or operator is not a family member (as defined in section 1308–1(b)(3)(B)<sup>1</sup> of title 7) of the covered farmer or rancher.

## **(2) Reenrollment**

The Secretary shall provide a covered farmer or rancher with the option to reenroll any applicable partial field conservation practice that–

(A) is eligible for enrollment under the continuous signup requirement of section 3831(h)(4)(B)<sup>1</sup> of this title; and

(B) is part of an approved conservation plan.

(Pub. L. 99–198, title XII, §1235, as added Pub. L. 107–171, title II, §2101(a), May 13, 2002, 116 Stat. 249; amended Pub. L. 110–234, title II, §2111, May 22, 2008, 122 Stat. 1035; Pub. L. 110–246, §4(a), title II, §2111, June 18, 2008, 122 Stat. 1664, 1763.)

### **REFERENCES IN TEXT**

The Organic Foods Production Act of 1990, referred to in subsec. (f)(1)(A)(ii), is title XXI of Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3935, which is classified generally to [chapter 94 \(§6501 et seq.\) of Title 7, Agriculture](#). For complete classification of this Act to the Code, see Short Title note set out under [section 6501 of Title 7](#) and Tables.

[Section 1308–1 of title 7](#), referred to in subsec. (f)(1)(E), was amended by Pub. L. 110–246, title I, §1603(d), June 18, 2008, 122 Stat. 1736, and, as so amended, no longer contains a subsec. (b)(3)(B) or provisions defining “family member”.

[Section 3831 of this title](#), referred to in subsec. (f)(2)(A), was amended by Pub. L. 110–246, title II, §2106(a)(2), June 18, 2008, 122 Stat. 1759, and, as so amended, no longer contains a subsec. (h)(4)(B) or provisions relating to a continuous signup requirement.

### **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 3835, Pub. L. 99–198, title XII, §1235, Dec. 23, 1985, 99 Stat. 1513; Pub. L. 100–233, title VIII, §801, Jan. 6, 1988, 101 Stat. 1710; Pub. L. 101–624, title XIV, §1447(a), Nov. 28, 1990, 104 Stat. 3605; Pub. L. 104–127, title III, §332(c), Apr. 4, 1996, 110 Stat. 994, related to contracts, prior to the general amendment of this subpart by Pub. L. 107–171.

### **AMENDMENTS**

**2008**–Subsec. (c)(1)(B)(iii), (iv). Pub. L. 110–246, §2111(a), added cl. (iii) and redesignated former cl. (iii) as (iv).

Subsec. (f). Pub. L. 110–246, §2111(b), added subsec. (f).

### **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](#).

### **CONSERVATION RESERVE**

Pub. L. 100–45, §10, May 27, 1987, 101 Stat. 323, provided that: “Section 1235(a) of the Food Security Act of 1985 [[16 U.S.C. 3835\(a\)](#)] should be reviewed by the Secretary of Agriculture to ensure that the provisions thereof relating to exceptions to the three-year ownership requirement with respect to eligibility for the conservation reserve are being

implemented in a manner to encourage inclusion of producer-owned land in the conservation reserve. However, any such exception to the three-year requirement should be made only if the Secretary determines that the land involved (1) was not acquired for the purpose of placing the land in the conservation reserve or (2) otherwise meets the criteria for exceptions made under section 1235(a).”

<sup>1</sup> See References in Text note below.

## **§3835a. Conversion of land subject to contract to other conserving uses**

### **(a) Conversion to trees**

#### **(1) In general**

The Secretary shall permit an owner or operator that has entered into a contract under this subpart that is in effect on November 28, 1990, to convert areas of highly erodible cropland that are subject to the contract, and that are devoted to vegetative cover, from that use to hardwood trees, windbreaks, shelterbelts, or wildlife corridors.

#### **(2) Terms**

##### **(A) Extension of contract**

With respect to a contract that is modified under this section that provides for the planting of hardwood trees, windbreaks, shelterbelts, or wildlife corridors, if the original term of the contract was less than 15 years, the owner or operator may extend the contract to a term of not to exceed 15 years.

##### **(B) Cost share assistance**

The Secretary shall pay 50 percent of the cost of establishing conservation measures and practices authorized under this subsection for which the Secretary determines the cost sharing is appropriate and in the public interest.

### **(b) Conversion to wetland**

The Secretary shall permit an owner or operator that has entered into a contract under this subpart that is in effect on November 28, 1990, to restore areas of highly erodible cropland that are devoted to vegetative cover under the contract to wetland if-

- (1) the areas are prior converted wetland;
- (2) the owner or operator of the areas enters into an agreement to provide the Secretary with a long-term or permanent easement under subpart C covering the areas;
- (3) there is a high probability that the prior converted area can be successfully restored to wetland status; and
- (4) the restoration of the areas otherwise meets the requirements of subpart C.

### **(c) Limitation**

The Secretary shall not incur, through a conversion under this section, any additional expense on the acres, including the expense involved in the original establishment of the vegetative cover, that would result in cost share for costs under this section in excess of the costs that would have been subject to cost share for the new practice had that practice been the original practice.

### **(d) Condition of contract**

An owner or operator shall as a condition of entering into a contract under subsection (a) of this section participate in the Forest Stewardship Program established under [section 2103a](#) of this title.

(Pub. L. 99–198, title XII, §1235A, as added Pub. L. 107–171, title II, §2101(a), May 13, 2002, 116 Stat. 251.)

#### **PRIOR PROVISIONS**

Prior sections 3835a and 3836 were omitted in the general amendment of this subpart by Pub. L. 107–171.

Section 3835a, Pub. L. 99–198, title XII, §1235A, as added Pub. L. 101–624, title XIV, §1435, Nov. 28, 1990, 104 Stat. 3582; amended Pub. L. 102–324, §1(b), July 22, 1992, 106 Stat. 447, related to conversion of land subject to contract to other conserving uses.

Section 3836, Pub. L. 99–198, title XII, §1236, Dec. 23, 1985, 99 Stat. 1514; Pub. L. 101–624, title XIV, §§1436, 1447(a), Nov. 28, 1990, 104 Stat. 3583, 3605; Pub. L. 107–76, title VII, §759(b)(1), Nov. 28, 2001, 115 Stat. 741, related to cropland base and allotment history.

A prior section 3836a, Pub. L. 104–127, title III, §387, Apr. 4, 1996, 110 Stat. 1020, related to Wildlife Habitat Incentive Program, prior to repeal by Pub. L. 107–171, title II, §2502(b), May 13, 2002, 116 Stat. 267. See [section 3839bb–1](#) of this title.