

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 Repealed.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