

(3) calculate annual rental payments consistent with existing administrative practice for similar drought and water conservation agreements under this subchapter and ensure regional consistency in those rates.

**(f) Status report**

Not later than 180 days after the end of each fiscal year, the Secretary shall submit to Congress a report that describes, with respect to each agreement entered into under subsection (b)(1)—

- (1) the status of the agreement;
- (2) the purposes and objectives of the agreement;
- (3) the Federal and eligible partner commitments made under the agreement; and
- (4) the progress made in fulfilling those commitments.

(Pub. L. 99–198, title XII, §1231A, as added Pub. L. 115–334, title II, §2202(a), Dec. 20, 2018, 132 Stat. 4534.)

**Editorial Notes**

**PRIOR PROVISIONS**

A prior section 3831a, Pub. L. 99–198, title XII, §1231A, as added and amended Pub. L. 110–234, title II, §2106(b), May 22, 2008, 122 Stat. 1032, and Pub. L. 110–246, §4(a), title II, §2106(b), June 18, 2008, 122 Stat. 1664, 1760, related to emergency forestry conservation reserve program, prior to repeal by Pub. L. 113–79, title II, §2702(a), Feb. 7, 2014, 128 Stat. 766.

**Statutory Notes and Related Subsidiaries**

**REPEAL OF FORMER SECTION 3831a; TRANSITIONAL PROVISIONS**

Pub. L. 113–79, title II, §2702, Feb. 7, 2014, 128 Stat. 766, provided that:

“(a) REPEAL.—Except as provided in subsection (b), section 1231A of the Food Security Act of 1985 ([former] 16 U.S.C. 3831a) is repealed.

“(b) TRANSITIONAL PROVISIONS.—

“(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1231A of the Food Security Act of 1985 ([former] 16 U.S.C. 3831a) before the date of enactment of the Agricultural Act of 2014 [Feb. 7, 2014], or any payments required to be made in connection with the contract or agreement.

“(2) FUNDING.—The Secretary [of Agriculture] may use funds made available to carry out the conservation reserve program 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.) to continue to carry out contracts or agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts or agreements as in existence on the day before the date of enactment of the Agricultural Act of 2014.”

**§ 3831b. Farmable wetland program**

**(a) Program required**

**(1) In general**

During the 2008 through 2023 fiscal years, the Secretary shall carry out a farmable wetland program in each State under which the Secretary shall enroll eligible acreage described in subsection (b).

**(2) Participation among States**

The Secretary shall ensure, to the maximum extent practicable, that owners and operators

in each State have an equitable opportunity to participate in the program established under this section.

**(b) Eligible acreage**

**(1) Wetland and related land**

Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, land—

(A) that is wetland (including a converted wetland described in section 3822(b)(1)(A) of this title) that had a cropping history during at least 3 of the immediately preceding 10 crop years;

(B) on which a constructed wetland is to be developed that will receive surface and subsurface flow from row crop agricultural production and is designed to provide nitrogen removal in addition to other wetland functions;

(C) that was devoted to commercial pond-raised aquaculture in any year during the period of calendar years 2002 through 2007; or

(D) that, after January 1, 1990, and before December 31, 2002, was—

(i) cropped during at least 3 of 10 crop years; and

(ii) subject to the natural overflow of a prairie wetland.

**(2) Buffer acreage**

Subject to subsections (c) and (d), an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, buffer acreage that—

(A) with respect to land described in subparagraph (A), (B), or (C) of paragraph (1)—

(i) is contiguous to such land;

(ii) is used to protect such land; and

(iii) is of such width as the Secretary determines is necessary to protect such land, taking into consideration and accommodating the farming practices (including the straightening of boundaries to accommodate machinery) used with respect to the cropland that surrounds such land; and

(B) with respect to land described in subparagraph (D) of paragraph (1), enhances a wildlife benefit to the extent practicable in terms of upland to wetland ratios, as determined by the Secretary.

**(c) Program limitations**

**(1) Acreage limitation**

The Secretary may enroll in the conservation reserve, pursuant to the program established under this section, not more than—

(A) 100,000 acres in any State; and

(B) a total of 750,000 acres.

**(2) Relationship to maximum enrollment**

Subject to paragraph (3), any acreage enrolled in the conservation reserve under this section shall be considered acres maintained in the conservation reserve.

**(3) Relationship to other enrolled acreage**

Acreage enrolled in the conservation reserve under this section shall not affect for any fiscal year the quantity of—

(A) acreage enrolled to establish conservation buffers as part of the program an-

nounced on March 24, 1998 (63 Fed. Reg. 14109); or

(B) acreage enrolled into the conservation reserve enhancement program announced on May 27, 1998 (63 Fed. Reg. 28965).

**(4) Review; potential increase in enrollment acreage**

The Secretary shall conduct a review of the program established under this section with respect to each State that has enrolled land in the conservation reserve pursuant to the program. As a result of the review, the Secretary may increase the number of acres that may be enrolled in a State under the program to not more than 200,000 acres, notwithstanding paragraph (1)(A).

**(d) Owner or operator enrollment limitations**

**(1) Wetland and related land**

**(A) Wetlands and constructed wetlands**

The maximum size of any land described in subparagraph (A) or (B) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 40 contiguous acres.

**(B) Flooded farmland**

The maximum size of any land described in subparagraph (D) of subsection (b)(1) that an owner or operator may enroll in the conservation reserve, pursuant to the program established under this section, shall be 20 contiguous acres.

**(C) Coverage**

All acres described in subparagraph (A) or (B), including acres that are ineligible for payment, shall be covered by the conservation contract.

**(2) Buffer acreage**

The maximum size of any buffer acreage described in subsection (b)(2) that an owner or operator may enroll in the conservation reserve under this section shall be determined by the Secretary in consultation with the State Technical Committee.

**(3) Tracts**

Except for land described in subsection (b)(1)(C) and buffer acreage related to such land, the maximum size of any eligible acreage described in subsection (b)(1) in a tract of an owner or operator enrolled in the conservation reserve under this section shall be 40 acres.

**(e) Duties of owners and operators**

During the term of a contract entered into under the program established under this section, an owner or operator shall agree—

(1) to restore the hydrology of the wetland within the eligible acreage to the maximum extent practicable, as determined by the Secretary;

(2) to establish vegetative cover (which may include emerging vegetation in water and bottomland hardwoods, cypress, and other appropriate tree species) on the eligible acreage, as determined by the Secretary;

(3) to a general prohibition of commercial use of the enrolled land; and

(4) to carry out other duties described in section 3832 of this title.

**(f) Duties of the Secretary**

**(1) In general**

Except as provided in paragraphs (2) and (3), in return for a contract entered into under this section, the Secretary shall—

(A) make payments to the owner or operator based on rental rates for cropland; and

(B) provide assistance to the owner or operator in accordance with sections 3833 and 3834 of this title.

**(2) Contract offers and payments**

The Secretary shall use the method of determination described in section 3834(d) of this title to determine the acceptability of contract offers and the amount of rental payments under this section.

**(3) Incentives**

The amounts payable to owners and operators in the form of rental payments under contracts entered into under this section shall reflect incentives that are provided to owners and operators to enroll filterstrips in the conservation reserve under section 3834 of this title.

(Pub. L. 99-198, title XII, §1231B, as added Pub. L. 110-234, title II, §2106(a)(1), May 22, 2008, 122 Stat. 1029, and Pub. L. 110-246, §4(a), title II, §2106(a)(1), June 18, 2008, 122 Stat. 1664, 1757; amended Pub. L. 113-79, title II, §2002, Feb. 7, 2014, 128 Stat. 714; Pub. L. 115-334, title II, §§2203, 2821(c), Dec. 20, 2018, 132 Stat. 4538, 4603.)

**Editorial Notes**

**CODIFICATION**

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

**PRIOR PROVISIONS**

Provisions similar to those comprising this section were contained in section 3831(h) of this title prior to repeal by Pub. L. 110-246.

**AMENDMENTS**

2018—Subsec. (a)(1). Pub. L. 115-334, §2203(1), substituted “2023” for “2018”.

Subsec. (b)(2)(A)(i). Pub. L. 115-334, §2821(c), inserted semicolon at end.

Subsec. (f)(2). Pub. L. 115-334, §2203(2), substituted “3834(d)” for “3834(d)(2)(A)(ii)”.

2014—Pub. L. 113-79, §2002(d)(1), substituted “Farmable wetland program” for “Pilot program for enrollment of wetland and buffer acreage in conservation reserve” in section catchline.

Subsec. (a)(1). Pub. L. 113-79, §2002(a), substituted “2018” for “2012” and “a farmable wetland program” for “a program”.

Subsec. (b)(1)(B). Pub. L. 113-79, §2002(b), substituted “surface and subsurface flow from row crop agricultural production” for “flow from a row crop agriculture drainage system”.

Subsec. (c)(1)(B). Pub. L. 113-79, §2002(c), substituted “750,000” for “1,000,000”.

Subsec. (f)(2). Pub. L. 113-79, §2002(d)(2), substituted “section 3834(d)(2)(A)(ii)” for “section 3834(c)(2)(B)”.

**Statutory Notes and Related Subsidiaries**

**EFFECTIVE DATE**

Enactment 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 a note under section 8701 of Title 7, Agriculture.

### § 3831c. Pilot programs

#### (a) CLEAR 30

##### (1) In general

###### (A) Enrollment

The Secretary shall establish a pilot program to enroll land in the conservation reserve program through a 30-year conservation reserve contract (referred to in this subsection as a “CLEAR 30 contract”) in accordance with this subsection.

###### (B) Inclusion of acreage limitation

For purposes of applying the limitations in section 3831(d)(1) of this title, the Secretary shall include acres of land enrolled under this subsection.

##### (2) Expired conservation contract election

###### (A) Definition of covered contract

In this paragraph, the term “covered contract” means a contract entered into under this subpart that—

- (i) expires on or after December 20, 2018; and
- (ii) covers land enrolled in the conservation reserve program under the clean lakes, estuaries, and rivers priority described in section 3831(d)(3) of this title (or the predecessor practices that constitute the priority, as determined by the Secretary).

###### (B) Election

On the expiration of a covered contract, an owner or operator party to the covered contract shall elect—

- (i) not to reenroll the land under the contract;
- (ii) to offer to reenroll the land under the contract if the land remains eligible under the terms in effect as of the date of expiration; or
- (iii) not to reenroll the land under the contract and to enroll that land through a CLEAR 30 contract under this subsection.

##### (3) Eligible land

Only land that is subject to an expired covered contract shall be eligible for enrollment through a CLEAR 30 contract under this subsection.

##### (4) Term

The term of a CLEAR 30 contract shall be 30 years.

##### (5) Agreements

To be eligible to enroll land in the conservation reserve program through a CLEAR 30 contract, the owner of the land shall enter into an agreement with the Secretary—

- (A) to implement a conservation reserve plan developed for the land;
- (B) to comply with the terms and conditions of the contract and any related agreements; and
- (C) to temporarily suspend the base history for the land covered by the contract.

#### (6) Terms and conditions of CLEAR 30 contracts

##### (A) In general

A CLEAR 30 contract shall include terms and conditions that—

###### (i) permit—

(I) repairs, improvements, and inspections on the land that are necessary to maintain existing public drainage systems; and

(II) owners to control public access on the land while identifying access routes to be used for restoration activities and management and contract monitoring;

###### (ii) prohibit—

(I) the alteration of wildlife habitat and other natural features of the land, unless specifically authorized by the Secretary as part of the conservation reserve plan;

(II) the spraying of the land with chemicals or the mowing of the land, except where the spraying or mowing is authorized by the Secretary or is necessary—

(aa) to comply with Federal or State noxious weed control laws;

(bb) to comply with a Federal or State emergency pest treatment program; or

(cc) to meet habitat needs of specific wildlife species;

(III) any activity to be carried out on the land of the owner or successor that is immediately adjacent to, and functionally related to, the land that is subject to the contract if the activity will alter, degrade, or otherwise diminish the functional value of the land; and

(IV) the adoption of any other practice that would tend to defeat the purposes of the conservation reserve program, as determined by the Secretary; and

(iii) include any additional provision that the Secretary determines is appropriate to carry out this section or facilitate the practical administration of this section.

##### (B) Violation

On the violation of a term or condition of a CLEAR 30 contract, the Secretary may require the owner to refund all or part of any payments received by the owner under the conservation reserve program, with interest on the payments, as determined appropriate by the Secretary.

##### (C) Compatible uses

Land subject to a CLEAR 30 contract may be used for compatible economic uses, including hunting and fishing, managed timber harvest, or periodic haying or grazing, if the use—

(i) is specifically permitted by the conservation reserve plan developed for the land; and

(ii) is consistent with the long-term protection and enhancement of the conservation resources for which the contract was established.