

Editorial Notes

REFERENCES IN TEXT

Section 2279(e) of title 7, referred to in subsec. (f)(1), was redesignated section 2279(a) of title 7 by Pub. L. 115-334, title XII, §12301(b)(3), Dec. 20, 2018, 132 Stat. 4951.

The Organic Foods Production Act of 1990, referred to in subsecs. (f)(1)(A)(ii) and (g)(2), 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.

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 L. 110-234 were repealed by section 4(a) of Pub.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, §322(c), Apr. 4, 1996, 110 Stat. 994, related to contracts, prior to the general amendment of this subpart by Pub. L. 107-171.

AMENDMENTS

2018—Subsec. (f)(1). Pub. L. 115-334, §2208(a)(1)(A), substituted “contract holder” for “retired farmer or rancher” in introductory provisions.

Subsec. (f)(1)(A). Pub. L. 115-334, §2208(a)(1)(C), substituted “2 years” for “1 year” in introductory provisions.

Subsec. (f)(1)(A)(i). Pub. L. 115-334, §2208(a)(1)(B), substituted “contract holder” for “retired or retiring owner or operator”.

Subsec. (f)(1)(B). Pub. L. 115-334, §2208(a)(1)(B), (D), substituted “contract holder” for “retired or retiring owner or operator” and inserted “, including a lease with a term of less than 5 years and an option to purchase” after “lease with an option to purchase”.

Subsec. (f)(1)(E). Pub. L. 115-334, §2208(a)(1)(E), (G), added subpar. (E). Former subpar. (E) redesignated (F).

Pub. L. 115-334, §2208(a)(1)(B), substituted “contract holder” for “retired or retiring owner or operator” in two places.

Subsec. (f)(1)(F). Pub. L. 115-334, §2208(a)(1)(F), redesignated subpar. (E) as (F).

Subsec. (f)(2). Pub. L. 115-334, §2208(a)(2)(A), substituted “To the extent that the maximum number of acres permitted to be enrolled under the conservation reserve program has not been met, the Secretary” for “The Secretary” in introductory provisions.

Subsec. (f)(2)(A). Pub. L. 115-334, §2208(a)(2)(B), added subpar. (A) and struck out former subpar. (A) which read as follows: “is eligible for enrollment under the continuous signup option pursuant to section 3834(d)(2)(A)(ii) of this title; and”.

Subsec. (g). Pub. L. 115-334, §2208(b), amended subsec. (g) generally. Prior to amendment, text read as follows: “The Secretary shall not consider an owner or operator to be in violation of a term or condition of the conservation reserve contract if—

“(1) during the year prior to expiration of the contract, the land is enrolled in the conservation stewardship program; and

“(2) the activity required under the conservation stewardship program pursuant to such enrollment is consistent with this subpart.”

2014—Subsec. (e)(1)(A). Pub. L. 113-79, §2006(a)(1), substituted “During fiscal year 2015, the Secretary” for “The Secretary” and struck out “before January 1, 1995,” after “under this subpart”.

Subsec. (e)(2)(C) to (J). Pub. L. 113-79, §2006(a)(2), added subpars. (C) to (J) and struck out former subpar.

(C) which read as follows: “Other land of high environmental value (including wetland), as determined by the Secretary.”

Subsec. (e)(3). Pub. L. 113-79, §2006(a)(3), substituted “upon approval by the Secretary” for “60 days after the date on which the owner or operator submits the notice required under paragraph (1)(C)”.

Subsec. (f)(1). Pub. L. 113-79, §2006(b)(1)(A), substituted “Transition to covered farmer or rancher” for “Duties of the Secretary” in heading and, in introductory provisions, substituted “In the case of a contract modification approved in order to facilitate the transfer of land subject to a contract from a retired farmer or rancher to a beginning farmer or rancher, a veteran farmer or rancher (as defined in section 2279(e) of title 7), or a” for “In the case of a contract modification approved in order to facilitate the transfer, as described in subsection (e)(1)(B)(iii), of land to a beginning farmer or rancher or”.

Subsec. (f)(1)(A)(i). Pub. L. 113-79, §2006(b)(1)(B), inserted “, including preparing to plant an agricultural crop” after “improvements”.

Subsec. (f)(1)(D). Pub. L. 113-79, §2006(b)(1)(C), substituted “the covered farmer or rancher” for “the farmer or rancher”.

Subsec. (f)(1)(E). Pub. L. 113-79, §2006(b)(1)(D), substituted “section 1308” for “section 1308-1(b)(3)(B)”.

Subsec. (f)(2)(A). Pub. L. 113-79, §2006(b)(2), substituted “option pursuant to section 3834(d)(2)(A)(ii)” for “requirement of section 3831(h)(4)(B)”.

Subsecs. (g), (h). Pub. L. 113-79, §2006(c), added subsecs. (g) and (h).

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).

Statutory Notes and Related Subsidiaries

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).”

§ 3835a. Repealed. Pub. L. 113-79, title II, § 2007, Feb. 7, 2014, 128 Stat. 720

Section, Pub. L. 99-198, title XII, §1235A, as added Pub. L. 107-171, title II, §2101(a), May 13, 2002, 116 Stat. 251, related to conversion of land subject to contract to other conserving uses.

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.

SUBPART C—WETLANDS RESERVE PROGRAM

§§ 3837 to 3837f. Repealed. Pub. L. 113-79, title II, § 2703(a), Feb. 7, 2014, 128 Stat. 767

Section 3837, Pub. L. 99-198, title XII, §1237, as added Pub. L. 101-624, title XIV, §1438, Nov. 28, 1990, 104 Stat. 3584; amended Pub. L. 102-237, title II, §204(6), Dec. 13, 1991, 105 Stat. 1855; Pub. L. 103-66, title I, §1402(c), Aug. 10, 1993, 107 Stat. 333; Pub. L. 104-127, title III, §333(a)–(c), Apr. 4, 1996, 110 Stat. 995; Pub. L. 105-277, div. A, §101(a) [title VII, §752], Oct. 21, 1998, 112 Stat. 2681, 2681-32; Pub. L. 107-171, title II, §§2201, 2202, May 13, 2002, 116 Stat. 252; Pub. L. 110-234, title II, §§2201-2203(a), May 22, 2008, 122 Stat. 1036, 1037; Pub. L. 110-246, §4(a), title II, §§2201-2203(a), June 18, 2008, 122 Stat. 1664, 1764, 1765, related to establishment of wetlands reserve program by Secretary.

Section 3837a, Pub. L. 99-198, title XII, §1237A, as added Pub. L. 101-624, title XIV, §1438, Nov. 28, 1990, 104 Stat. 3585; amended Pub. L. 104-127, title III, §333(d), Apr. 4, 1996, 110 Stat. 996; Pub. L. 107-171, title II, §2203, May 13, 2002, 116 Stat. 252; Pub. L. 110-234, title II, §§2204-2206, May 22, 2008, 122 Stat. 1038, 1039; Pub. L. 110-246, §4(a), title II, §§2204-2206, June 18, 2008, 122 Stat. 1040, 11664, 1766, 1767, related to easements and agreements.

Section 3837b, Pub. L. 99-198, title XII, §1237B, as added Pub. L. 101-624, title XIV, §1438, Nov. 28, 1990, 104 Stat. 3587, related to duties of owners.

Section 3837c, Pub. L. 99-198, title XII, §1237C, as added Pub. L. 101-624, title XIV, §1438, Nov. 28, 1990, 104 Stat. 3587; amended Pub. L. 104-127, title III, §333(e), Apr. 4, 1996, 110 Stat. 996; Pub. L. 110-234, title II, §2207, May 22, 2008, 122 Stat. 1039; Pub. L. 110-246, §4(a), title II, §2207, June 18, 2008, 122 Stat. 1664, 1767, related to duties of Secretary.

Section 3837d, Pub. L. 99-198, title XII, §1237D, as added Pub. L. 101-624, title XIV, §1438, Nov. 28, 1990, 104 Stat. 3588; amended Pub. L. 105-277, div. A, §101(a) [title VII, §751], Oct. 21, 1998, 112 Stat. 2681, 2681-32; Pub. L. 110-234, title II, §§2208, 2209, May 22, 2008, 122 Stat. 1040; Pub. L. 110-246, §4(a), title II, §§2208, 2209, June 18, 2008, 122 Stat. 1664, 1768, related to payments.

Section 3837e, Pub. L. 99-198, title XII, §1237E, as added Pub. L. 101-624, title XIV, §1438, Nov. 28, 1990, 104 Stat. 3589; amended Pub. L. 107-171, title II, §2204, May 13, 2002, 116 Stat. 253; Pub. L. 110-234, title II, §2203(b), May 22, 2008, 122 Stat. 1037; Pub. L. 110-246, §4(a), title II, §2203(b), June 18, 2008, 122 Stat. 1664, 1765, related to changes in ownership; agreement modification; termination.

Section 3837f, Pub. L. 99-198, title XII, §1237F, as added Pub. L. 101-624, title XIV, §1438, Nov. 28, 1990, 104 Stat. 3589; Pub. L. 110-234, title II, §2203(c), May 22, 2008, 122 Stat. 1037; Pub. L. 110-246, §4(a), title II, §2203(c), June 18, 2008, 122 Stat. 1664, 1765, related to administration and funding.

Statutory Notes and Related Subsidiaries

REPEAL; TRANSITIONAL PROVISIONS

Pub. L. 113-79, title II, §2703, Feb. 7, 2014, 128 Stat. 767, provided that:

“(a) REPEAL.—Except as provided in subsection (b), subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3837 et seq.) is repealed.

“(b) TRANSITIONAL PROVISIONS.—

“(1) EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.—The amendment made by this section [repealing sections 3837 to 3837f of this title] shall not affect the validity or terms of any contract,

agreement, or easement entered into by the Secretary of Agriculture under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 ([former] 16 U.S.C. 3837 et seq.) before the date of enactment of the Agricultural Act of 2014 [Feb. 7, 2014], or any payments required to be made in connection with the contract, agreement, or easement.

“(2) FUNDING.—

“(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 ([former] 16 U.S.C. 3837 et seq.), any funds made available from the Commodity Credit Corporation to carry out the wetlands reserve program under that subchapter for fiscal years 2009 through 2013 shall be made available to carry out contracts, agreements, or easements referred to in paragraph (1) that were entered into prior to the date of enactment of the Agricultural Act of 2014 (including the provision of technical assistance), provided that no such contract, agreement, or easement is modified so as to increase the amount of the payment received.

“(B) OTHER.—The Secretary [of Agriculture] may use funds made available to carry out the agricultural conservation easement program under subtitle H of title XII of the Food Security Act of 1985 [16 U.S.C. 3865 et seq.], as added by section 2301, to continue to carry out contracts, agreements, and easements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts, agreements, and easements as in existence on the day before the date of enactment of the Agricultural Act of 2014.”

EFFECT OF 1996 AMENDMENTS ON EXISTING AGREEMENTS

Pub. L. 104-127, title III, §333(f), Apr. 4, 1996, 110 Stat. 996, provided that: “The amendments made by this section [amending former sections 3837, 3837a, and 3837c of this title] shall not affect the validity or terms of any agreements entered into by the Secretary of Agriculture under subchapter C of chapter 1 of subtitle D of title XII of the Food Security Act of 1985 ([former] 16 U.S.C. 3837 et seq.) before the date of enactment of this Act [Apr. 4, 1996] or any payments required to be made in connection with the agreements.”

PART II—CONSERVATION SECURITY AND FARMLAND PROTECTION

SUBPART A—CONSERVATION SECURITY PROGRAM

§§ 3838 to 3838c. Repealed. Pub. L. 115-334, title II, § 2301(c)(1), Dec. 20, 2018, 132 Stat. 4551

Section 3838, Pub. L. 99-198, title XII, §1238, as added Pub. L. 107-171, title II, §2001(a), May 13, 2002, 116 Stat. 223, defined terms for this subpart.

A prior section 3838, Pub. L. 99-198, title XII, §1238, as added Pub. L. 101-624, title XIV, §1439, Nov. 28, 1990, 104 Stat. 3590, related to policy of Congress on water quality protection, prior to repeal by Pub. L. 104-127, title III, §336(h), Apr. 4, 1996, 110 Stat. 1007.

Section 3838a, Pub. L. 99-198, title XII, §1238A, as added Pub. L. 107-171, title II, §2001(a), May 13, 2002, 116 Stat. 225; amended Pub. L. 109-171, title I, §1202(a), Feb. 8, 2006, 120 Stat. 5; Pub. L. 110-234, title II, §2301(b), (c), May 22, 2008, 122 Stat. 1047, 1048; Pub. L. 110-246, §4(a), title II, §2301(b), (c), June 18, 2008, 122 Stat. 1664, 1775, 1776, established a conservation security program to assist producers of agricultural operations in promoting conservation purposes.

A prior section 3838a, Pub. L. 99-198, title XII, §1238A, as added Pub. L. 101-624, title XIV, §1439, Nov. 28, 1990, 104 Stat. 3590, defined terms for purposes of this part, prior to repeal by Pub. L. 104-127, title III, §336(h), Apr. 4, 1996, 110 Stat. 1007.

Section 3838b, Pub. L. 99-198, title XII, §1238B, as added Pub. L. 107-171, title II, §2001(a), May 13, 2002, 116