

Section 3839b, Pub. L. 99-198, title XII, §1239B, as added Pub. L. 101-624, title XIV, §1440, Nov. 28, 1990, 104 Stat. 3598, related to duties of Secretary.

Section 3839c, Pub. L. 99-198, title XII, §1239C, as added Pub. L. 101-624, title XIV, §1440, Nov. 28, 1990, 104 Stat. 3599, related to payments.

Section 3839d, Pub. L. 99-198, title XII, §1239D, as added Pub. L. 101-624, title XIV, §1440, Nov. 28, 1990, 104 Stat. 3600, related to changes in ownership; modification of easement.

PART IV—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM AND CONSERVATION STEWARDSHIP PROGRAM

Editorial Notes

CODIFICATION

Pub. L. 115-334, title II, §2301(a)(1), Dec. 20, 2018, 132 Stat. 4551, substituted “Environmental Quality Incentives Program and Conservation Stewardship Program” for “Environmental Quality Incentives Program” in part heading.

Chapter 4 of subtitle D of title XII of the Food Security Act of 1985, comprising this part, was originally added to Pub. L. 99-198 by Pub. L. 104-127, title III, §334, Apr. 4, 1996, 110 Stat. 996. Chapter 4 is shown herein, however, as having been added by Pub. L. 107-171, title II, §2301, May 13, 2002, 116 Stat. 253, because of the extensive revision of the chapter’s provisions by Pub. L. 107-171. Such revision did not contain a chapter heading, which was subsequently added by Pub. L. 110-234, title II, §2501(b), May 22, 2008, 122 Stat. 1058, and Pub. L. 110-246, §4(a), title II, §2501(b), June 18, 2008, 122 Stat. 1664, 1786. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246 effective May 22, 2008, the date of enactment of Pub. L. 110-234.

SUBPART A—ENVIRONMENTAL QUALITY INCENTIVES PROGRAM

§ 3839aa. Purposes

The purposes of the environmental quality incentives program established by this subpart are to promote agricultural production, forest management, and environmental quality as compatible goals, and to optimize environmental benefits, by—

(1) assisting producers in complying with local, State, and national regulatory requirements concerning—

- (A) soil, water, and air quality;
- (B) wildlife habitat; and
- (C) surface and ground water conservation;

(2) avoiding, to the maximum extent practicable, the need for resource and regulatory programs by assisting producers in protecting soil, water, air, and related natural resources and meeting environmental quality criteria established by Federal, State, tribal, and local agencies;

(3) providing flexible assistance to producers to install and maintain conservation practices that sustain food and fiber production while—

- (A) enhancing soil, water, and related natural resources, including grazing land, forestland, wetland, and wildlife;
- (B) developing and improving wildlife habitat; and
- (C) conserving energy; and

(4) assisting producers to make beneficial, cost-effective changes to production systems, including addressing identified, new, or ex-

pected resource concerns related to organic production, grazing management, fuels management, forest management, nutrient management associated with crops and livestock, pest management, irrigation management, adapting to, and mitigating against, increasing weather volatility, drought resiliency measures, or other practices on agricultural and forested land.

(Pub. L. 99-198, title XII, §1240, as added Pub. L. 107-171, title II, §2301, May 13, 2002, 116 Stat. 253; amended Pub. L. 110-234, title II, §2501(a), May 22, 2008, 122 Stat. 1057; Pub. L. 110-246, §4(a), title II, §2501(a), June 18, 2008, 122 Stat. 1664, 1785; Pub. L. 113-79, title II, §2201, Feb. 7, 2014, 128 Stat. 728; Pub. L. 115-334, title II, §§2301(d)(1)(D), 2302, Dec. 20, 2018, 132 Stat. 4554, 4555.)

Editorial Notes

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 3839aa, Pub. L. 99-198, title XII, §1240, as added Pub. L. 104-127, title III, §334, Apr. 4, 1996, 110 Stat. 996, related to purposes, prior to the general amendment of this part by Pub. L. 107-171.

AMENDMENTS

2018—Pub. L. 115-334, §2301(d)(1)(D), substituted “this subpart” for “this part” in introductory provisions.

Par. (4). Pub. L. 115-334, §2302, added par. (4) and struck out former par. (4) which read as follows: “assisting producers to make beneficial, cost effective changes to production systems (including conservation practices related to organic production), grazing management, fuels management, forest management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural and forested land.”

2014—Par. (3). Pub. L. 113-79, §2201(1), added subpar. (B) and redesignated former subpar. (B) as (C).

Par. (4). Pub. L. 113-79, §2201(2), substituted a period for “; and” at end.

Par. (5). Pub. L. 113-79, §2201(3), struck out par. (5) which read as follows: “consolidating and streamlining conservation planning and regulatory compliance processes to reduce administrative burdens on producers and the cost of achieving environmental goals.”

2008—Pub. L. 110-246, §2501(a)(1), inserted “, forest management,” after “agricultural production” in introductory provisions.

Pars. (3), (4). Pub. L. 110-246, §2501(a)(2), added pars. (3) and (4) and struck out former pars. (3) and (4) which read as follows:

“(3) providing flexible assistance to producers to install and maintain conservation practices that enhance soil, water, related natural resources (including grazing land and wetland), and wildlife while sustaining production of food and fiber;

“(4) assisting producers to make beneficial, cost effective changes to cropping systems, grazing management, nutrient management associated with livestock, pest or irrigation management, or other practices on agricultural land; and”.

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.

EFFECT ON EXISTING CONTRACTS

Pub. L. 113-79, title II, § 2208, Feb. 7, 2014, 128 Stat. 731, provided that: “The amendments made by this subtitle [subtitle C (§§ 2201-2208) of title II of Pub. L. 113-79, amending this section and sections 3839aa-1 to 3839aa-4, 3839aa-7, and 3839aa-8 of this title] shall not affect the validity or terms of any contract entered into by the Secretary of Agriculture under chapter 4 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3839aa 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.”

§ 3839aa-1. Definitions

In this subpart:

(1) Conservation planning assessment

The term “conservation planning assessment” means a report, as determined by the Secretary, that—

(A) is developed by—

- (i) a State or unit of local government (including a conservation district);
- (ii) a Federal agency; or
- (iii) a third-party provider certified under section 3842(e) of this title (including a certified rangeland professional);

(B) assesses rangeland or cropland function and describes conservation activities to enhance the economic and ecological management of that land; and

(C) can be incorporated into a comprehensive planning document required by the Secretary for enrollment in a conservation program of the Department of Agriculture.

(2) Eligible land

(A) In general

The term “eligible land” means land on which agricultural commodities, livestock, or forest-related products are produced.

(B) Inclusions

The term “eligible land” includes the following:

- (i) Cropland.
- (ii) Grassland.
- (iii) Rangeland.
- (iv) Pasture land.
- (v) Nonindustrial private forest land.
- (vi) Other agricultural land (including cropped woodland, marshes, environmentally sensitive areas, and agricultural land used for the production of livestock) on which identified or expected resource concerns related to agricultural production could be addressed through a contract under the program, as determined by the Secretary.

(3) Incentive practice

The term “incentive practice” means a practice or set of practices approved by the Secretary that, when implemented and maintained on eligible land, address 1 or more priority resource concerns.

(4) Organic system plan

The term “organic system plan” means an organic plan approved under the national or-

ganic program established under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.).

(5) Payment

The term “payment” means financial assistance provided to a producer for performing practices under this subpart, including compensation for—

(A) incurred costs associated with planning, design, materials, equipment, installation, labor, management, maintenance, or training; and

(B) income forgone by the producer.

(6) Practice

The term “practice” means 1 or more improvements and conservation activities that are consistent with the purposes of the program under this subpart, as determined by the Secretary, including—

(A) improvements to eligible land of the producer, including—

- (i) structural practices;
- (ii) land management practices;
- (iii) vegetative practices;
- (iv) forest management;
- (v) soil testing;
- (vi) soil remediation to be carried out by the producer; and
- (vii) other practices that the Secretary determines would further the purposes of the program; and

(B) conservation activities involving the development of plans appropriate for the eligible land of the producer, including—

- (i) comprehensive nutrient management planning;
- (ii) planning for resource-conserving crop rotations (as defined in section 3839aa-24(d)(1) of this title);
- (iii) soil health planning, including increasing soil organic matter and the use of cover crops;
- (iv) a conservation planning assessment;
- (v) precision conservation management planning; and
- (vi) other plans that the Secretary determines would further the purposes of the program under this subpart.

(7) Priority resource concern

The term “priority resource concern” means a natural resource concern or problem, as determined by the Secretary, that—

(A) is identified at the national, State, or local level as a priority for a particular area of a State; and

(B) represents a significant concern in a State or region.

(8) Program

The term “program” means the environmental quality incentives program established by this subpart.

(9) Soil remediation

The term “soil remediation” means scientifically based practices that—

(A) ensure the safety of producers from contaminants in soil;

(B) limit contaminants in soil from entering agricultural products for human or animal consumption; and