

§ 2403, June 18, 2008, 122 Stat. 1664, 1780, related to duties of owners and operators.

Section 3838p, Pub. L. 99-198, title XII, § 1238P, as added Pub. L. 107-171, title II, § 2401, May 13, 2002, 116 Stat. 261; amended Pub. L. 110-234, title II, § 2403, May 22, 2008, 122 Stat. 1054; Pub. L. 110-246, § 4(a), title II, § 2403, June 18, 2008, 122 Stat. 1664, 1782, related to duties of Secretary.

Section 3838q, Pub. L. 99-198, title XII, § 1238Q, as added Pub. L. 107-171, title II, § 2401, May 13, 2002, 116 Stat. 262; amended Pub. L. 108-447, div. A, title VII, § 797, Dec. 8, 2004, 118 Stat. 2852; Pub. L. 110-234, title II, § 2403, May 22, 2008, 122 Stat. 1055; Pub. L. 110-246, § 4(a), title II, § 2403, June 18, 2008, 122 Stat. 1664, 1783, related to delegation of duty.

Statutory Notes and Related Subsidiaries

REPEAL; TRANSITIONAL PROVISIONS

Pub. L. 113-79, title II, § 2705, Feb. 7, 2014, 128 Stat. 768, provided that:

“(a) REPEAL.—Except as provided in subsection (b), subchapter D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 (16 U.S.C. 3838n et seq.) is repealed.

“(b) TRANSITIONAL PROVISIONS.—

“(1) EFFECT ON EXISTING CONTRACTS, AGREEMENTS, AND EASEMENTS.—The amendment made by this section [repealing sections 3838n to 3838q 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 D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 ([former] 16 U.S.C. 3838n 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 D of chapter 2 of subtitle D of title XII of the Food Security Act of 1985 ([former] 16 U.S.C. 3838n et seq.), any funds made available from the Commodity Credit Corporation to carry out the grassland 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.”

PART III—ENVIRONMENTAL EASEMENT PROGRAM

§§ 3839 to 3839d. Repealed. Pub. L. 113-79, title II, § 2711, Feb. 7, 2014, 128 Stat. 771

Section 3839, Pub. L. 99-198, title XII, § 1239, as added Pub. L. 101-624, title XIV, § 1440, Nov. 28, 1990, 104 Stat. 3597; amended Pub. L. 102-237, title II, § 204(7), Dec. 13, 1991, 105 Stat. 1855, related to establishment of environmental easement program by Secretary.

Section 3839a, Pub. L. 99-198, title XII, § 1239A, as added Pub. L. 101-624, title XIV, § 1440, Nov. 28, 1990, 104 Stat. 3597, related to duties of owners; components of plan.

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-