

or more practices that are approved by the Secretary;

(2) not to conduct any practices on the enrolled land that would tend to defeat the purposes of the program;

(3) on the violation of a term or condition of the contract at anytime the producer has control of the land—

(A) if the Secretary determines that the violation warrants termination of the contract—

(i) to forfeit all rights to receive payments under the contract; and

(ii) to refund to the Secretary all or a portion of the payments received by the owner or operator under the contract, including any interest on the payments, as determined by the Secretary; or

(B) if the Secretary determines that the violation does not warrant termination of the contract, to refund to the Secretary, or accept adjustments to, the payments provided to the owner or operator, as the Secretary determines to be appropriate;

(4) on the transfer of the right and interest of the producer in land subject to the contract, unless the transferee of the right and interest agrees with the Secretary to assume all obligations of the contract, to refund all payments received under the program, as determined by the Secretary;

(5) to supply information as required by the Secretary to determine compliance with the program plan and requirements of the program; and

(6) to comply with such additional provisions as the Secretary determines are necessary to carry out the program plan.

(Pub. L. 99-198, title XII, §1240D, as added Pub. L. 107-171, title II, §2301, May 13, 2002, 116 Stat. 256; amended Pub. L. 110-234, title II, §2505, May 22, 2008, 122 Stat. 1062; Pub. L. 110-246, §4(a), title II, §2505, June 18, 2008, 122 Stat. 1664, 1790; Pub. L. 113-79, title II, §2205, Feb. 7, 2014, 128 Stat. 730.)

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 L. 110-234 were repealed by section 4(a) of Pub.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-4, Pub. L. 99-198, title XII, §1240D, as added Pub. L. 104-127, title III, §334, Apr. 4, 1996, 110 Stat. 1000, related to duties of producers, prior to the general amendment of this part by Pub. L. 107-171.

AMENDMENTS

2014—Par. (2). Pub. L. 113-79 substituted “enrolled” for “farm, ranch, or forest”.

2008—Pub. L. 110-246, §2505(1), struck out “technical assistance, cost-share payments, or incentive” before “payments” in introductory provisions.

Par. (2). Pub. L. 110-246, §2505(2), substituted “farm, ranch, or forest land” for “farm or ranch”.

Par. (4). Pub. L. 110-246, §2505(3), struck out “cost-share payments and incentive” before “payments”.

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.

§ 3839aa-5. Environmental quality incentives program plan

(a) Plan of operations

To be eligible to receive payments under the program, a producer shall submit to the Secretary for approval a plan of operations that—

(1) specifies practices covered under the program;

(2) includes such terms and conditions as the Secretary considers necessary to carry out the program, including a description of the purposes to be met by the implementation of the plan;

(3) in the case of a confined livestock feeding operation, provides for development and progressive implementation of a comprehensive nutrient management plan, if applicable; and

(4) in the case of forest land, is consistent with the provisions of a forest management plan that is approved by the Secretary, which may include—

(A) a forest stewardship plan described in section 2103a of this title;

(B) another practice plan approved by the State forester; or

(C) another plan determined appropriate by the Secretary.

(b) Avoidance of duplication

The Secretary shall—

(1) consider a plan developed in order to acquire a permit under a water or air quality regulatory program as the equivalent of a plan of operations under subsection (a), if the plan contains elements equivalent to those elements required by a plan of operations; and

(2) to the maximum extent practicable, eliminate duplication of planning activities under the program under this subpart and comparable conservation programs.

(Pub. L. 99-198, title XII, §1240E, as added Pub. L. 107-171, title II, §2301, May 13, 2002, 116 Stat. 256; amended Pub. L. 110-234, title II, §2506, May 22, 2008, 122 Stat. 1063; Pub. L. 110-246, §4(a), title II, §2506, June 18, 2008, 122 Stat. 1664, 1791; Pub. L. 115-334, title II, §§2301(d)(1)(H), 2305, Dec. 20, 2018, 132 Stat. 4554, 4561.)

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-5, Pub. L. 99-198, title XII, §1240E, as added Pub. L. 104-127, title III, §334, Apr. 4, 1996, 110 Stat. 1001, related to environmental quality incentives program plan, prior to the general amendment of this part by Pub. L. 107-171.

AMENDMENTS

2018—Subsec. (a)(3). Pub. L. 115-334, §2305, inserted “progressive” before “implementation”.

Subsec. (b)(2). Pub. L. 115-334, § 2301(d)(1)(H), substituted “this subpart” for “this part”.

2008—Subsec. (a). Pub. L. 110-246, § 2506(a)(1), (2), substituted “Plan of operations” for “In general” in heading and struck out “cost-share payments or incentive” before “payments” in introductory provisions.

Subsec. (a)(4). Pub. L. 110-246, § 2506(a)(3)–(5), added par. (4).

Subsec. (b). Pub. L. 110-246, § 2506(b), amended subsec. (b) generally. Prior to amendment, text read as follows: “The Secretary shall, to the maximum extent practicable, eliminate duplication of planning activities under the program under this part and comparable conservation programs.”

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.

§ 3839aa-6. Duties of the Secretary

To the extent appropriate, the Secretary shall assist a producer in achieving the conservation and environmental goals of a program plan by—

- (1) providing payments for developing and implementing 1 or more practices, as appropriate; and
- (2) providing the producer with information and training to aid in implementation of the plan.

(Pub. L. 99-198, title XII, § 1240F, as added Pub. L. 107-171, title II, § 2301, May 13, 2002, 116 Stat. 257; amended Pub. L. 110-234, title II, § 2507, May 22, 2008, 122 Stat. 1063; Pub. L. 110-246, § 4(a), title II, § 2507, June 18, 2008, 122 Stat. 1664, 1791.)

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-6, Pub. L. 99-198, title XII, § 1240F, as added Pub. L. 104-127, title III, § 334, Apr. 4, 1996, 110 Stat. 1001, related to duties of Secretary, prior to the general amendment of this part by Pub. L. 107-171.

AMENDMENTS

2008—Par. (1). Pub. L. 110-246, § 2507, struck out “cost-share payments or incentive” before “payments”.

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.

§ 3839aa-7. Limitation on payments

Not including payments made under section 3839aa-2(j) of this title, a person or legal entity may not receive, directly or indirectly, cost-share or incentive payments under this subpart that, in aggregate, exceed \$450,000 for all con-

tracts entered into under this subpart by the person or legal entity during the period of fiscal years 2014 through 2018, or the period of fiscal years 2019 through 2023, regardless of the number of contracts entered into under this subpart by the person or legal entity.

(Pub. L. 99-198, title XII, § 1240G, as added Pub. L. 107-171, title II, § 2301, May 13, 2002, 116 Stat. 257; amended Pub. L. 108-447, div. A, title VII, § 794(b), Dec. 8, 2004, 118 Stat. 2852; Pub. L. 109-171, title I, § 1203(b), Feb. 8, 2006, 120 Stat. 6; Pub. L. 110-234, title II, § 2508, May 22, 2008, 122 Stat. 1063; Pub. L. 110-246, § 4(a), title II, § 2508, June 18, 2008, 122 Stat. 1664, 1791; Pub. L. 113-79, title II, § 2206, Feb. 7, 2014, 128 Stat. 730; Pub. L. 115-334, title II, §§ 2301(d)(1)(I), 2306, Dec. 20, 2018, 132 Stat. 4554, 4561.)

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-7, Pub. L. 99-198, title XII, § 1240G, as added Pub. L. 104-127, title III, § 334, Apr. 4, 1996, 110 Stat. 1001, related to limitation on payments, prior to the general amendment of this part by Pub. L. 107-171.

AMENDMENTS

2018—Pub. L. 115-334, § 2306, substituted “Not including payments made under section 3839aa-2(j) of this title, a person” for “A person” and inserted “or the period of fiscal years 2019 through 2023,” after “2018,”.

Pub. L. 115-334, § 2301(d)(1)(I), substituted “this subpart” for “this part” wherever appearing.

2014—Pub. L. 113-79 amended section generally. Prior to amendment, section related to limitation on payments and included waiver authority in the case of contracts for projects of special environmental significance as determined by the Secretary.

2008—Pub. L. 110-246, § 2508, designated existing provisions as subsec. (a), inserted heading, substituted “Subject to subsection (b), a person or legal entity” for “An individual or entity” and “\$300,000” for “\$450,000”, substituted “the person” for “the individual” in two places, and added subsec. (b).

2006—Pub. L. 109-171 substituted “any six-year period” for “the period of fiscal years 2002 through 2007”.

2004—Pub. L. 108-447 inserted “(excluding funding arrangements with federally recognized Native American Indian Tribes or Alaska Native Corporations under section 3839aa-2(h) of this title)” after “2007,”.

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.

§ 3839aa-8. Conservation innovation grants and payments

(a) Competitive grants for innovative conservation approaches

(1) Grants

Out of the funds made available to carry out this subpart, the Secretary may pay the cost