

to evaluate gains in soil health as a result of the practices implemented by the producers in the soil health demonstration trial; and

(C)(i) not later than September 30, 2020, to initiate a study regarding changes in soil health and, if feasible, economic outcomes, generated as a result of the conservation practices described in subparagraph (A) that were applied by producers through the soil health demonstration trial; and

(ii) to submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate annual reports on the progress and results of the study under clause (i).

(d) Reporting and database

(1) Report required

Not later than September 30, 2019, and every 2 years thereafter, the Secretary shall submit to the Committee on Agriculture of the House of Representatives and the Committee on Agriculture, Nutrition, and Forestry of the Senate a report on the status of activities funded under this section, including—

(A) funding awarded;

(B) results of the activities, including, if feasible, economic outcomes;

(C) incorporation of findings from the activities, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary; and

(D) on completion of the study required under subsection (c)(7)(C), the findings of the study.

(2) Conservation practice database

(A) In general

The Secretary shall use the data reported under paragraph (1) to establish and maintain a publicly available conservation practice database that provides—

(i) a compilation and analysis of effective conservation practices for soil health, nutrient management, and source water protection in varying soil compositions, cropping systems, slopes, and landscapes; and

(ii) a list of recommended new and effective conservation practices.

(B) Privacy

Information provided under subparagraph (A) shall be transformed into a statistical or aggregate form so as to not include any identifiable or personal information of individual producers.

(Pub. L. 99-198, title XII, §1240H, as added Pub. L. 107-171, title II, §2301, May 13, 2002, 116 Stat. 257; amended Pub. L. 110-234, title II, §2509, May 22, 2008, 122 Stat. 1064; Pub. L. 110-246, §4(a), title II, §2509, June 18, 2008, 122 Stat. 1664, 1792; Pub. L. 113-79, title II, §2207, Feb. 7, 2014, 128 Stat. 731; Pub. L. 115-334, title II, §§2301(d)(1)(J), 2307, Dec. 20, 2018, 132 Stat. 4554, 4561; Pub. L. 117-169, title II, §21001(c)(2), Aug. 16, 2022, 136 Stat. 2017.)

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-8, Pub. L. 99-198, title XII, §1240H, as added Pub. L. 104-127, title III, §334, Apr. 4, 1996, 110 Stat. 1002, related to temporary administration of environmental quality incentives program, prior to the general amendment of this part by Pub. L. 107-171.

AMENDMENTS

2022—Subsecs. (b)(2), (c)(2). Pub. L. 117-169 substituted “2031” for “2023”.

2018—Subsec. (a)(1). Pub. L. 115-334, §2301(d)(1)(J), substituted “this subpart” for “this part”.

Subsec. (a)(2)(A). Pub. L. 115-334, §2307(a)(1), substituted “program or community colleges (as defined in section 3319e(a) of title 7) carrying out demonstration projects on land of the community college;” for “program;”.

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

Subsec. (a)(2)(E) to (H). Pub. L. 115-334, §2307(a)(2), (3), added subpars. (E) and (F) and redesignated former subpars. (E) and (F) as (G) and (H), respectively.

Subsec. (b)(2). Pub. L. 115-334, §2307(b), substituted “\$37,500,000 for each of fiscal years 2019 through 2023” for “\$25,000,000 for each of fiscal years 2009 through 2018”.

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

Subsecs. (c), (d). Pub. L. 115-334, §2307(c), added subsecs. (c) and (d) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: “Not later than December 31, 2014, and every two years thereafter, the Secretary shall submit to the Committee on Agriculture, Nutrition, and Forestry of the Senate and the Committee on Agriculture of the House of Representatives a report on the status of projects funded under this section, including—

“(1) funding awarded;

“(2) project results; and

“(3) incorporation of project findings, such as new technology and innovative approaches, into the conservation efforts implemented by the Secretary.”

2014—Subsec. (a)(2)(E), (F). Pub. L. 113-79, §2207(1), added subpars. (E) and (F).

Subsec. (b)(2). Pub. L. 113-79, §2207(2), substituted “\$25,000,000” for “\$37,500,000” and “2018” for “2012”.

Subsec. (c). Pub. L. 113-79, §2207(3), added subsec. (c). 2008—Pub. L. 110-246, §2509, amended section generally. Prior to amendment, section related to conservation innovation grants.

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-9. Repealed. Pub. L. 113-79, title II, § 2706(a), Feb. 7, 2014, 128 Stat. 769

Section, Pub. L. 99-198, title XII, §1240I, as added Pub. L. 107-171, title II, §2301, May 13, 2002, 116 Stat. 257; amended Pub. L. 110-234, title II, §2510, May 22, 2008, 122 Stat. 1064; Pub. L. 110-246, §4(a), title II, §2510, June 18, 2008, 122 Stat. 1664, 1792, related to agricultural water enhancement program.

Statutory Notes and Related Subsidiaries

REPEAL; TRANSITIONAL PROVISIONS

Pub. L. 113-79, title II, §2706, Feb. 7, 2014, 128 Stat. 769, provided that:

“(a) REPEAL.—Except as provided in subsection (b), section 1240I of the Food Security Act of 1985 (16 U.S.C. 3839aa-9) is repealed.

“(b) TRANSITIONAL PROVISIONS.—

“(1) EFFECT ON EXISTING CONTRACTS AND AGREEMENTS.—The amendment made by this section [repealing section 3839aa-9 of this title] shall not affect the validity or terms of any contract or agreement entered into by the Secretary of Agriculture under section 1240I of the Food Security Act of 1985 ([former] 16 U.S.C. 3839aa-9) 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.—

“(A) USE OF PRIOR YEAR FUNDS.—Notwithstanding the repeal of section 1240I of the Food Security Act of 1985 ([former] 16 U.S.C. 3839aa-9), any funds made available from the Commodity Credit Corporation to carry out the agricultural water enhancement program under that section for fiscal years 2009 through 2013 shall be made available to carry out contracts and agreements 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).

“(B) OTHER.—On exhaustion of funds made available under subparagraph (A), the Secretary [of Agriculture] may use funds made available to carry out the regional conservation partnership program under subtitle I of title XII of the Food Security Act of 1985 [16 U.S.C. 3871 et seq.], as added by section 2401, to continue to carry out contracts and agreements referred to in paragraph (1) using the provisions of law and regulation applicable to such contracts and agreements as in existence on the day before the date of enactment of the Agricultural Act of 2014.”

SUBPART B—CONSERVATION STEWARDSHIP PROGRAM

§ 3839aa-21. Definitions

In this subpart:

(1) Agricultural operation

The term “agricultural operation” means all eligible land, whether or not contiguous, that is—

- (A) under the effective control of a producer at the time the producer enters into a contract under the program; and
- (B) operated with equipment, labor, management, and production or cultivation practices that are substantially separate from other agricultural operations, as determined by the Secretary.

(2) Conservation activities

(A) In general

The term “conservation activities” means conservation systems, practices, or management measures.

(B) Inclusions

The term “conservation activities” includes—

- (i) structural measures, vegetative measures, and land management measures, including agriculture drainage management systems, as determined by the Secretary;
- (ii) planning needed to address a priority resource concern;
- (iii) development of a comprehensive conservation plan, as defined in section 3839aa-24(e)(1) of this title;

- (iv) soil health planning, including planning to increase soil organic matter; and
- (v) activities that will assist a producer to adapt to, or mitigate against, increasing weather volatility.

(3) Conservation stewardship plan

The term “conservation stewardship plan” means a plan that—

- (A) identifies and inventories priority resource concerns;
- (B) establishes benchmark data and conservation objectives;
- (C) describes conservation activities to be implemented, managed, or improved; and
- (D) includes a schedule and evaluation plan for the planning, installation, and management of the new and existing conservation activities.

(4) Eligible land

(A) In general

The term “eligible land” means—

- (i) private or tribal land on which agricultural commodities, livestock, or forest-related products are produced; and
- (ii) lands associated with the land described in clause (i) on which priority resource concerns could be addressed through a contract under the program.

(B) Inclusions

The term “eligible land” includes—

- (i) cropland;
- (ii) grassland;
- (iii) rangeland;
- (iv) pasture land;
- (v) nonindustrial private forest land; and
- (vi) other land in agricultural areas (including cropped woodland, marshes, and agricultural land used or capable of being used for the production of livestock), as determined by the Secretary.

(5) 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;
- (B) represents a significant concern in a State or region; and
- (C) is likely to be addressed successfully through the implementation of conservation activities under this program.

(6) Program

The term “program” means the conservation stewardship program established by this subpart.

(7) Stewardship threshold

The term “stewardship threshold” means the level of management required, as determined by the Secretary, to conserve and improve the quality and condition of a natural resource through the use of—

- (A) quality criteria under a resource management system;
- (B) predictive analytics tools or models developed or approved by the Natural Resources Conservation Service;