

Act to the Code, see Short Title note set out under section 1421 of Title 7 and Tables.

The Agricultural Act of 2014, referred to in subsec. (l)(3), is Pub. L. 113-79, Feb. 7, 2014, 128 Stat. 649. For complete classification of this Act to the Code, see Tables.

CODIFICATION

The text of section 3843(a), (c), and (d) of this title, which was transferred to this section and redesignated as subsecs. (c), (d), and (e), respectively, by Pub. L. 110-246, § 2707(a), was based on Pub. L. 99-198, title XII, § 1243(a), (c), (d), as added Pub. L. 104-127, title III, § 341, Apr. 4, 1996, 110 Stat. 1008, 1009.

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 L. 110-234 were repealed by section 4(a) of Pub.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 3844, Pub. L. 99-198, title XII, § 1244, Dec. 23, 1985, 99 Stat. 1515, related to issuance of regulations to carry out subchapters I to V of this chapter, prior to the general amendment of this subchapter by Pub. L. 104-127.

AMENDMENTS

2018—Subsec. (b)(4)(B). Pub. L. 115-334, § 2821(f), substituted “Government Accountability Office” for “General Accounting Office”.

Subsec. (c)(3). Pub. L. 115-334, § 2301(d)(1)(K), inserted “subpart A of” before “part IV”.

Subsec. (f)(1)(B). Pub. L. 115-334, § 2503(a)(1), substituted “15 percent” for “10 percent”.

Subsec. (f)(3). Pub. L. 115-334, § 2202(b)(2), substituted “subsection (d)(2)(A)(ii) or (g)(2) of section 3834a” for “subsection (d)(2)(A)(ii) or (g)(2) of section 3834”.

Subsec. (f)(5). Pub. L. 115-334, § 2503(a)(2), substituted “December 20, 2018,” for “February 7, 2014.”

Subsecs. (j), (k). Pub. L. 115-334, § 2503(b)(2), (3), added subsec. (j) and redesignated former subsec. (j) as (k). Former subsec. (k) redesignated (l).

Subsec. (l). Pub. L. 115-334, § 2503(b)(2), redesignated subsec. (k) as (l). Former subsec. (l) redesignated (m).

Pub. L. 115-334, § 2301(d)(1)(L), substituted “subpart B of part IV of subchapter IV” for “subpart B of part II of subchapter IV” and “subpart A of part IV of subchapter IV” for “part IV of subchapter IV”.

Subsec. (m). Pub. L. 115-334, § 2503(c), designated existing provisions as introductory provisions and pars. (1) and (3) and added par. (2), substituted “shall” for “may” in introductory provisions and “arrangements;” for “arrangements, and that” in par. (1), and inserted “, except that the Secretary may approve a waiver if the Secretary is authorized to approve a waiver under the statutory authority of the applicable program” before period at end of par. (3).

Pub. L. 115-334, § 2503(b)(2), redesignated subsec. (l) as (m).

Pub. L. 115-334, § 2503(b)(1), struck out subsec. (m) which related to exemption from certain reporting requirements.

Pub. L. 115-141 added subsec. (m).

Subsec. (n). Pub. L. 115-334, § 2503(d), added subsec. (n).

Subsec. (o). Pub. L. 115-334, § 2503(e), added subsec. (o).

Subsec. (p). Pub. L. 115-334, § 2503(f), added subsec. (p).

2014—Subsec. (a)(2)(E). Pub. L. 113-79, § 2606(1), added subpar. (E).

Subsec. (c)(1). Pub. L. 113-79, § 2301(b)(1)(A), inserted “and” after semicolon in subpar. (A), struck out “and” after semicolon in subpar. (B), and struck out subpar. (C) which read as follows: “the wetlands reserve program established under subpart C of part I of subchapter IV; and”.

Subsec. (c)(2), (3). Pub. L. 113-79, § 2301(b)(1)(B), (C), added par. (2) and redesignated former par. (2) as (3).

Subsec. (d). Pub. L. 113-79, § 2606(2), inserted “, VII, and VIII” before period at end.

Subsec. (f)(1)(A). Pub. L. 113-79, § 2301(b)(2)(A)(i), substituted “conservation reserve program established under subpart B of part I of subchapter IV and wetland reserve easements under section 3865c of this title” for “programs administered under subparts B and C of part I of subchapter IV”.

Subsec. (f)(1)(B). Pub. L. 113-79, § 2606(3)(A), substituted “county” for “country”.

Pub. L. 113-79, § 2301(b)(2)(A)(ii), substituted “a wetland reserve easement under section 3865c of this title” for “an easement acquired under subpart C of part I of subchapter IV”.

Subsec. (f)(3). Pub. L. 113-79, § 2606(3)(B), substituted “subsection (d)(2)(A)(ii) or (g)(2)” for “subsection (c)(2)(B) or (f)(4)”.

Subsec. (f)(4). Pub. L. 113-79, § 2301(b)(2)(B), added par. (4) and struck out former par. (4). Prior to amendment, text read as follows: “The limitations established under paragraph (1) shall not apply to cropland that is subject to an easement under subpart C of part I of subchapter IV that is used for the establishment of shelterbelts and windbreaks.”

Subsec. (f)(5). Pub. L. 113-79, § 2301(b)(2)(C), added par. (5).

Subsec. (h)(2). Pub. L. 113-79, § 2606(4), inserted “, including, to the extent practicable, practices that maximize benefits for honey bees” before period at end.

Subsecs. (j) to (l). Pub. L. 113-79, § 2606(5), added subsecs. (j) to (l).

2008—Subsec. (a). Pub. L. 110-246, § 2708(1), added subsec. (a) and struck out former subsec. (a). Prior to amendment, text read as follows: “In carrying out any conservation program administered by the Secretary, the Secretary may provide to beginning farmers and ranchers and Indian tribes (as those terms are defined in section 3838 of this title) and limited resource agricultural producers incentives to participate in the conservation program to—

- “(1) foster new farming and ranching opportunities; and
- “(2) enhance environmental stewardship over the long term.”

Subsecs. (c) to (e). Pub. L. 110-246, § 2707(a), transferred subsecs. (a), (c), and (d) of section 3843 of this title and redesignated them as subsecs. (c) to (e), respectively, of this section. See Codification note above.

Subsecs. (f) to (i). Pub. L. 110-246, § 2708(2), added subsecs. (f) to (i).

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.

§ 3845. Environmental services markets

(a) Technical guidelines required

The Secretary shall establish technical guidelines that outline science-based methods to measure the environmental services benefits from conservation and land management activities in order to facilitate the participation of farmers, ranchers, and forest landowners in emerging environmental services markets. The Secretary shall give priority to the establishment of guidelines related to farmer, rancher, and forest landowner participation in carbon markets.

(b) Establishment

The Secretary shall establish guidelines under subsection (a) for use in developing the following:

- (1) A procedure to measure environmental services benefits.
- (2) A protocol to report environmental services benefits.

(3) A registry to collect, record and maintain the benefits measured.

(c) Verification requirements

(1) Verification of reports

The Secretary shall establish guidelines for a process to verify that a farmer, rancher, or forest landowner who reports an environmental services benefit pursuant to the protocol required by paragraph (2) of subsection (b) for inclusion in the registry required by paragraph (3) of such subsection has implemented the conservation or land management activity covered by the report.

(2) Role of third parties

In establishing the verification guidelines required by paragraph (1), the Secretary shall consider the role of third-parties in conducting independent verification of benefits produced for environmental services markets and other functions, as determined by the Secretary.

(d) Use of existing information

In carrying out subsection (b), the Secretary shall build on activities or information in existence on the date of the enactment of the Food, Conservation, and Energy Act of 2008 regarding environmental services markets.

(e) Consultation

In carrying out this section, the Secretary shall consult with the following:

- (1) Federal and State government agencies.
- (2) Nongovernmental interests including—
 - (A) farm, ranch, and forestry producers;
 - (B) financial institutions involved in environmental services trading;
 - (C) institutions of higher education with relevant expertise or experience;
 - (D) nongovernmental organizations with relevant expertise or experience; and
 - (E) private sector representatives with relevant expertise or experience.
- (3) Other interested persons, as determined by the Secretary.

(Pub. L. 99-198, title XII, §1245, as added Pub. L. 110-234, title II, §2709, May 22, 2008, 122 Stat. 1081, and Pub. L. 110-246, §4(a), title II, §2709, June 18, 2008, 122 Stat. 1664, 1809.)

REFERENCES IN TEXT

The date of the enactment of the Food, Conservation, and Energy Act of 2008, referred to in subsec (d), is the date of enactment of Pub. L. 110-246, which was approved June 18, 2008.

CODIFICATION

Pub. L. 110-234 and Pub. L. 110-246 enacted identical sections. Pub. L. 110-234 was repealed by section 4(a) of Pub. L. 110-246.

PRIOR PROVISIONS

A prior section 3845, Pub. L. 99-198, title XII, §1245, Dec. 23, 1985, 99 Stat. 1516; Pub. L. 101-624, title XIV, §1443, Nov. 28, 1990, 104 Stat. 3602; Pub. L. 102-552, title V, §516(b)(1), Oct. 28, 1992, 106 Stat. 4137, related to authorization of appropriations, prior to the general amendment of this subchapter by Pub. L. 104-127.

EFFECTIVE DATE

Enactment 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 a note under section 8701 of Title 7, Agriculture.

§ 3846. Regulations

(a) In general

The Secretary shall promulgate such regulations as are necessary to implement programs under this chapter, including such regulations as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under section 3844(f) of this title.

(b) Rulemaking procedure

The promulgation of regulations and administration of programs under this chapter—

(1) shall be carried out without regard to chapter 35 of title 44 (commonly known as the Paperwork Reduction Act); and

(2) shall be made as an interim rule effective on publication with an opportunity for notice and comment.

(c) Congressional review of agency rulemaking

In promulgating regulations under this section, the Secretary shall use the authority provided under section 808 of title 5.

(Pub. L. 99-198, title XII, §1246, as added Pub. L. 113-79, title II, §2608, Feb. 7, 2014, 128 Stat. 761.)

REFERENCES IN TEXT

This chapter, referred to in subsecs. (a) and (b), was in the original “this title”, meaning title XII of Pub. L. 99-198, which enacted this chapter and former section 2005a of this title and amended sections 590g, 2004, 2005, 2006, and 2009 of this title, sections 4207 and 4209 of Title 7, Agriculture, and provisions set out as a note under section 1981 of Title 7.

PRIOR PROVISIONS

A prior section 3846, Pub. L. 99-198, title XII, §1246, as added Pub. L. 101-624, title XIV, §1444, Nov. 28, 1990, 104 Stat. 3602, directed Secretary to report to Congress on erodible land and wetland conservation program, prior to repeal by Pub. L. 104-66, title I, §1011(a), Dec. 21, 1995, 109 Stat. 709.

§ 3847. Data on conservation practices

(a) Data on conservation practices

The Secretary shall identify available data sets within the Department of Agriculture regarding the use of conservation practices and the effect of such practices on farm and ranch profitability (including such effects relating to crop yields, soil health, and other risk-related factors).

(b) Report

Not later than 1 year after December 20, 2018, 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 that includes—

(1) a summary of the data sets identified under subsection (a);

(2) a summary of the steps the Secretary would have to take to provide access to such data sets by university researchers, including taking into account any technical, privacy, or administrative considerations;

(3) a summary of safeguards the Secretary employs when providing access to data to university researchers;