the fifth year of the contract period'' for ''At the end of the initial 5-year contract period, the Secretary may allow the producer to renew the contract for 1 additional 5-year period'' in introductory provisions.

Subsec. (e)(1). Pub. L. 115–334, § 2308(c)(4)(B), substituted ''existing contract'' for ''initial contract''.

Subsec. (e)(2). Pub. L. 115–334, § 2308(c)(4)(C), inserted ''new or improved'' before ''conservation activities'' and ''demonstrating continued improvement during the additional 5-year period,'' before ''as determined by the Secretary''.

Subsec. (e)(3)(B). Pub. L. 115–334, § 2308(c)(4)(D), substituted ''to adopt or improve conservation activities, as determined by the Secretary, to achieve higher levels of performance with respect to not less than 2'' for ''to exceed the stewardship threshold of 2''.

2014—Pub. L. 113–79 amended section generally. Prior to amendment, section related to stewardship contracts.

§ 3839aa–24. Duties of the Secretary

(a) In general

To achieve the conservation goals of a contract under the conservation stewardship program, the Secretary shall—

(1) make the program available to eligible producers on a continuous enrollment basis with 1 or more ranking periods, 1 of which shall occur in the first quarter of each fiscal year;

(2) identify not less than 5 priority resource concerns in a particular watershed or other appropriate region or area within a State; and

(3) establish a science-based stewardship threshold for each priority resource concern identified under paragraph (2).

(b) Allocation to States

The Secretary shall allocate funding to States for enrollment, based—

(1) primarily on each State's proportion of eligible land to the total acreage of eligible land in all States; and

(2) also on consideration of—

(A) the extent and magnitude of the conservation needs associated with agricultural production in each State;

(B) the degree to which implementation of the program in the State is, or will be, effective in helping producers address those needs; and

(C) other considerations to achieve equitable geographic distribution of funds, as determined by the Secretary.

(c) Conservation stewardship payments

(1) Availability of payments

The Secretary shall provide annual payments under the program to compensate the producer for—

(A) installing and adopting additional conservation activities; and

(B) improving, maintaining, and managing conservation activities in place at the agricultural operation of the producer at the time the contract offer is accepted by the Secretary.

(2) Payment amount

The amount of the annual payment shall be determined by the Secretary and based, to the maximum extent practicable, on the following factors:

(A) Costs incurred by the producer associated with planning, design, materials, installation, labor, management, maintenance, or training.

(B) Income forgone by the producer.

(C) Expected conservation benefits.

(D) The extent to which priority resource concerns will be addressed through the installation and adoption of conservation activities on the agricultural operation.

(E) The level of stewardship in place at the time of application and maintained over the term of the contract.

(F) The degree to which the conservation activities will be integrated across the entire agricultural operation for all applicable priority resource concerns over the term of the contract.

(G) Such other factors as are determined appropriate by the Secretary.

(3) Exclusions

A payment to a producer under this subsection shall not be provided for—

(A) the design, construction, or maintenance of animal waste storage or treatment facilities or associated waste transport or transfer devices for animal feeding operations; or

(B) conservation activities for which there is no cost incurred or income forgone to the producer.

(4) Delivery of payments

In making payments under this subsection, the Secretary shall, to the extent practicable—

(A) prorate conservation performance over the term of the contract so as to accommodate, to the extent practicable, producers earning equal annual payments in each fiscal year; and

(B) make such payments as soon as practicable after October 1 of each fiscal year for activities carried out in the previous fiscal year.

(5) Payment for cover crop activities

The amount of a payment under this subsection for cover crop activities shall be not less than 125 percent of the annual payment amount determined by the Secretary under paragraph (2).

(d) Supplemental payments for resource-conserving crop rotations and advanced grazing management

(1) Definitions

In this subsection:

(A) Advanced grazing management

The term ''advanced grazing management'' means the use of a combination of grazing practices (as determined by the Secretary), which may include management-intensive rotational grazing, that provide for—

(i) improved soil health and carbon sequestration;

(ii) drought resilience;

(iii) wildlife habitat;

(iv) wildfire mitigation;

(v) control of invasive plants; and

(vi) water quality improvement.

(B) Management-intensive rotational grazing

The term ''management-intensive rotational grazing'' means a strategic, adaptively managed multipasture grazing system in which animals are regularly and systematically moved to fresh pasture in a manner that—

(i) maximizes the quantity and quality of forage growth;

(ii) improves manure distribution and nutrient cycling;

(iii) increases carbon sequestration from greater forage harvest;

(iv) improves the quality and quantity of cover for wildlife;

(v) provides permanent cover to protect the soil from erosion; and

(vi) improves water quality.

(C) Resource-conserving crop rotation

The term ''resource-conserving crop rotation'' means a crop rotation that—

(i) includes at least 1 resource-conserving crop (as defined by the Secretary);

(ii) reduces erosion;

(iii) improves soil fertility and tilth;

(iv) interrupts pest cycles;

(v) builds soil organic matter; and

(vi) in applicable areas, reduces depletion of soil moisture or otherwise reduces the need for irrigation.

(2) Availability of payments

The Secretary shall provide additional payments to producers that, in participating in the program, agree to adopt or improve, manage, and maintain—

(A) resource-conserving crop rotations; or

(B) advanced grazing management.

(3) Eligibility

To be eligible to receive a payment described in paragraph (2), a producer shall agree to adopt or improve, manage, and maintain resource-conserving crop rotations or advanced grazing management for the term of the contract.

(4) Amount of payment

An additional payment provided under paragraph (2) shall be not less than 150 percent of the annual payment amount determined by the Secretary under subsection (c)(2).

(e) Payment for comprehensive conservation plan

(1) Definition of comprehensive conservation plan

In this subsection, the term ''comprehensive conservation plan'' means a conservation plan that meets or exceeds the stewardship threshold for each priority resource concern identified by the Secretary under subsection (a)(2).

(2) Payment for comprehensive conservation plan

The Secretary shall provide a 1-time payment to a producer that develops a comprehensive conservation plan.

(3) Amount of payment

The Secretary shall determine the amount of payment under paragraph (2) based on—

(A) the number of priority resource concerns addressed in the comprehensive conservation plan; and

(B) the number of types of land uses included in the comprehensive conservation plan.

(f) Payment limitations

A person or legal entity may not receive, directly or indirectly, payments under the program that, in the aggregate, exceed $200,000 under all contracts entered into during fiscal years 2019 through 2023, excluding funding arrangements with Indian tribes, regardless of the number of contracts entered into under the program by the person or legal entity.

(g) Specialty crop and organic producers

The Secretary shall ensure that outreach and technical assistance are available, and program specifications are appropriate to enable specialty crop and organic producers to participate in the program.

(h) Organic certification

(1) Coordination

The Secretary shall establish a transparent means by which producers may initiate organic certification under the Organic Foods Production Act of 1990 (7 U.S.C. 6501 et seq.) while participating in a contract under the program.

(2) Allocation

(A) In general

Using funds made available for the program for each of fiscal years 2019 through 2031, the Secretary shall allocate funding to States to support organic production and transition to organic production through paragraph (1).

(B) Determination

The Secretary shall determine the allocation to a State under subparagraph (A) based on—

(i) the number of certified and transitioning organic operations within the State; and

(ii) the number of acres of certified and transitioning organic production within the State.

(i) Regulations

The Secretary shall promulgate regulations that—

(1) prescribe such other rules as the Secretary determines to be necessary to ensure a fair and reasonable application of the limitations established under subsection (f); and

(2) otherwise enable the Secretary to carry out the program.

(j) Streamlining and coordination

To the maximum extent feasible, the Secretary shall provide for streamlined and coordinated procedures for the program and the environmental quality incentives program under subpart A, including applications, contracting, conservation planning, conservation practices, and related administrative procedures.

(k) Soil health

To the maximum extent feasible, the Secretary shall manage the program to enhance soil health.

(*l*) Annual report

Each fiscal year, 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 describing the payment rates for conservation activities offered to producers under the program and an analysis of whether payment rates can be reduced for the most expensive conservation activities.

(Pub. L. 99–198, title XII, § 1240L, formerly § 1238G, as added Pub. L. 110–234, title II, § 2301(a)(2), May 22, 2008, 122 Stat. 1045, and Pub. L. 110–246, § 4(a), title II, § 2301(a)(2), June 18, 2008, 122 Stat. 1664, 1773; Pub. L. 113–79, title II, § 2101(a), Feb. 7, 2014, 128 Stat. 726; renumbered § 1240L and amended Pub. L. 115–334, title II, §§ 2301(b), 2308(d), Dec. 20, 2018, 132 Stat. 4551, 4566; Pub. L. 117–169, title II, § 21001(c)(4), Aug. 16, 2022, 136 Stat. 2017.)

Editorial Notes

References in Text

The Organic Foods Production Act of 1990, referred to in subsec. (h)(1), is title XXI of Pub. L. 101–624, Nov. 28, 1990, 104 Stat. 3935, which is classified generally to chapter 94 (§ 6501 et seq.) of Title 7, Agriculture. For complete classification of this Act to the Code, see Short Title note set out under section 6501 of Title 7 and Tables.

Codification

Section was formerly classified to section 3838g of this title prior to renumbering by Pub. L. 115–334.

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.

Amendments

2022—Subsec. (h)(2)(A). Pub. L. 117–169 substituted ‘‘2031’’ for ‘‘2023’’.

2018—Subsec. (b). Pub. L. 115–334, § 2308(d)(1), substituted ‘‘allocate funding’’ for ‘‘allocate acres’’ in introductory provisions.

Subsec. (c). Pub. L. 115–334, § 2308(d)(2), (3), redesignated subsec. (d) as (c) and struck out former subsec. (c). Prior to amendment, text of subsec. (c) read as follows: ‘‘During the period beginning on February 7, 2014, and ending on September 30, 2022, the Secretary shall, to the maximum extent practicable—

‘‘(1) enroll in the program an additional 10,000,000 acres for each fiscal year; and

‘‘(2) manage the program to achieve a national average rate of $18 per acre, which shall include the costs of all financial assistance, technical assistance, and any other expenses associated with enrollment or participation in the program.’’

Subsec. (c)(5). Pub. L. 115–334, § 2308(d)(4), added par. (5).

Subsec. (d). Pub. L. 115–334, § 2308(d)(3), (5)(A), redesignated subsec. (e) as (d) and inserted ‘‘and advanced grazing management’’ after ‘‘crop rotations’’ in heading. Former subsec. (d) redesignated (c).

Subsec. (d)(1). Pub. L. 115–334, § 2308(d)(5)(D), inserted par. designation, heading, and introductory provisions, added subpars. (A) and (B), designated existing provisions of par. (1) as subpar. (C), and, in subpar. (C), substituted ‘‘The term’’ for ‘‘In this subsection, the term’’, redesignated former subpars. (A) to (D) and (E) of par. (1) as cls. (i) to (iv) and (vi), respectively, realigned margins, and added cl. (v).

Pub. L. 115–334, § 2308(d)(5)(C), redesignated par. (4) as (1). Former par. (1) redesignated (2).

Subsec. (d)(2). Pub. L. 115–334, § 2308(d)(5)(C), (E), redesignated par. (1) as (2), substituted ‘‘agree to adopt or improve, manage, and maintain—’’ for ‘‘agree to adopt or improve resource-conserving crop rotations to achieve beneficial crop rotations as appropriate for the eligible land of the producers.’’, and added subpars. (A) and (B).

Pub. L. 115–334, § 2308(d)(5)(B), struck out par. (2). Text read as follows: ‘‘The Secretary shall determine whether a resource-conserving crop rotation is a beneficial crop rotation eligible for additional payments under paragraph (1) based on whether the resource-conserving crop rotation is designed to provide natural resource conservation and production benefits.’’

Subsec. (d)(3). Pub. L. 115–334, § 2308(d)(5)(F), substituted ‘‘paragraph (2)’’ for ‘‘paragraph (1)’’ and ‘‘agree to adopt or improve, manage, and maintain resource-conserving crop rotations or advanced grazing management for the term of the contract’’ for ‘‘agree to adopt and maintain beneficial resource-conserving crop rotations for the term of the contract’’.

Subsec. (d)(4). Pub. L. 115–334, § 2308(d)(5)(G), added par. (4). Former par. (4) redesignated (1).

Subsec. (e). Pub. L. 115–334, § 2308(d)(6), added subsec. (e). Former subsec. (e) redesignated (d).

Subsec. (f). Pub. L. 115–334, § 2308(d)(7), substituted ‘‘2019 through 2023’’ for ‘‘2014 through 2018’’.

Subsec. (h). Pub. L. 115–334, § 2308(d)(8), substituted ‘‘Organic certification’’ for ‘‘Coordination with organic certification’’ in subsec. heading, designated existing provisions as par. (1) and inserted par. heading, and added par. (2).

Subsecs. (j) to (*l*). Pub. L. 115–334, § 2308(d)(9), added subsecs. (j) to (*l*).

2014—Pub. L. 113–79 amended section generally. Prior to amendment, section related to duties of the Secretary.

§ 3839aa–25. Grassland conservation initiative

(a) Definitions

In this section:

(1) Eligible land

Notwithstanding sections 3839aa–21(4) and 3839aa–22(b)(2) of this title, the term ‘‘eligible land’’ means cropland on a farm for which base acres have been maintained by the Secretary under section 9012(d)(3) of title 7.

(2) Initiative

The term ‘‘initiative’’ means the grassland conservation initiative established under subsection (b).

(b) Establishment and purpose

The Secretary shall establish within the program a grassland conservation initiative for the purpose of assisting producers in protecting grazing uses, conserving and improving soil, water, and wildlife resources, and achieving related conservation values by conserving eligible land through grassland conservation contracts under subsection (e).

(c) Election

Beginning in fiscal year 2019, the Secretary shall provide a 1-time election to enroll eligible land in the initiative under a contract described in subsection (e).

(d) Method of enrollment

The Secretary shall—

(1) notwithstanding subsection (b) of section 3839aa–23 of this title, determine under subsection (c) of that section that eligible land ranks sufficiently high under the evaluation criteria described in subsection (b) of that section; and